

AUG 16 2006

UNITED STATES DISTRICT COURT

MARKUS B. ZIMMER, CLERK

BY Utah DEPUTY CLERK

Northern

District of

UNITED STATES OF AMERICA

V.

Ty Mullen

JUDGMENT IN A CRIMINAL CASE

(For Revocation of Probation or Supervised Release)

Case Number: DUTX 1:03CR000101-001

USM Number: 10791-081

Kris Angelos

Defendant's Attorney

THE DEFENDANT:

☒ admitted guilt to violation of condition(s) Allegation #1 of Petition of the term of supervision.

☐ was found in violation of condition(s) _____ after denial of guilt.

The defendant is adjudicated guilty of these violations:

Violation Number

Nature of Violation

Violation Ended

1.

On 7/18/2006 in the District of Utah, the offender failed to

report to the USPO within 72 hours of his release from

custody of the Federal Bureau of Prisons

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has not violated condition(s) _____ and is discharged as to such violation(s) condition.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Defendant's Soc. Sec. No.: _____

8/9/2006

Date of Imposition of Judgment

Defendant's Date of Birth: _____

Tena Campbell

Signature of Judge

Defendant's Residence Address: _____

Tena Campbell

District Court Judge

Name of Judge

Title of Judge

8-16-2006

Date

Defendant's Mailing Address: _____

DEFENDANT: Ty Mullen
CASE NUMBER: DUTX 1:03CR000101-001

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of :

2 Months , with credit for time serve.

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____ .

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____ .

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____ with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Ty Mullen

CASE NUMBER: DUTX 1:03CR000101-001

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

24 Months

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is be a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Ty Mullen

CASE NUMBER: DUTX 1:03CR000101-001

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall reside in a community treatment center for a period of 180 days, with work release, educational release, medical release, release to attend religious services, release to participate in treatment, or other approved leave as deemed appropriate by the probation office or community treatment center staff.
2. The defendant will submit to drug/alcohol testing as directed by the probation office, and pay a one-time \$115 fee to partially defer the costs of collection and testing. If testing reveals illegal drug use or consumption of alcohol, the defendant shall participate in drug and/or alcohol abuse treatment under a co-payment plan, as directed by the USPO.
3. The defendant shall participate in a mental health treatment program under a copayment plan, as directed by the probation office and take any mental health medications as prescribed
4. The defendant shall not use or possess alcohol, nor frequent businesses where alcohol is the chief item of order.
5. The defendant shall submit his person, residence, office or vehicle to a search, conducted by a USPO at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.
6. The defendant shall not be a member of a gang nor associate with any known gang member.
7. The defendant shall not possess materials which give evidence of gang involvement or activity.

DEFENDANT: Ty Mullen
CASE NUMBER: DUTX 1:03CR000101-001

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below); or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay.
- F ☒ Special instructions regarding the payment of criminal monetary penalties:
The Court reinstates the original Special Assessment Fee, which was imposed on 1/06/2005.

Unless the court has expressly ordered otherwise in the special instruction above, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Joint and Several Amount and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

AUG 16 2006

BY MARKUS B. ZIMMER, CLERK
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, NORTHERN DIVISION

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	CASE # 1:05CR00085
	:	
vs.	:	AMENDED
	:	PRELIMINARY ORDER OF
MARTIN HARO TRETO	:	FORFEITURE
a/k/a Martin Haro & Martin Treto-Haro,	:	
	:	
Defendant.	:	JUDGE Dee Benson

IT IS HEREBY ORDERED that:

1. As a result of a plea of guilty to Count 1 of the Superseding Indictment for which the government sought forfeiture pursuant to 21 U.S.C. § 853 the defendant Martin Haro Treto a/k/a Martin Haro & Martin Treto-Haro shall forfeit to the United States all property, real or personal, that is derived from, used, or intended to be used in violation of 21 U.S.C. § 841(a)(1) (Drug Distribution), including but not limited to:

- 2000 Dodge Durango, VIN 1B4HS28N6YF135305

2. The Court has determined that based on a guilty plea of possession with intent to distribute, that the above-named properties is subject to forfeiture, that the defendant had an interest in the properties, and that the government has established the requisite nexus between such properties and such offense.

3. Upon entry of this Order the Attorney General, or its designee is authorized to seize and conduct any discovery proper in identifying, locating, or disposing of the properties subject to forfeiture, in accordance with Fed. R. Crim. P. 32.2(b)(3).

4. Upon entry of this Order the Attorney General or its designee is authorized to commence any applicable proceeding to comply with statutes governing third party interests, including giving notice of this Order.

5. The United States shall publish notice of this Order on its intent to dispose of the property in such a manner as the Attorney General may direct. The United States may also, to the extent practicable, provide written notice to any person known to have an alleged interest in the subject currency and property.

6. Any person, other than the above named defendants, asserting a legal interest in the subject property may, within thirty days of the final publication of notice or receipt of notice, whichever is earlier, petition the Court for a hearing without a jury to adjudicate the validity of his alleged interest in the subject property, and amendment of the order of forfeiture pursuant to 21 U.S.C. § 853.

7. Pursuant to Fed. R. Crim. P. 32.2(b)(3), this Preliminary Order of Forfeiture shall become final as to the defendants at the time of sentencing and shall be made part of the sentence and included in the judgment.

8. Any petition filed by a third party asserting an interest in the subject currency and property shall be signed by the petitioner under penalty of perjury and shall set forth the nature and extent of the petitioner's acquisition of the right, title, or interest in the subject property, any additional facts supporting the petitioners claim and relief sought.

9. After the disposition of any motion filed under Fed. R. Crim. P. 32.2(c)(1)(A) and before a hearing on the petition, discovery may be conducted in accordance with the Federal Rules of Criminal Procedure upon a showing that such discovery is necessary or desirable to resolve factual issues.

10. The United States shall have clear title to the subject property following the Court's disposition of all third party interests, or, if none, following the expiration of the period provided in 21 U.S.C. § 853 which is incorporated by 18 U.S.C. § 982(b) for the filing of third party petitions.

12. The Court shall retain jurisdiction to enforce this Order, and to amend it as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

Dated this 16th day of August, 2006.

BY THE COURT:

A handwritten signature in black ink, reading "Dee Benson", written over a horizontal line.

DEE BENSON, Judge
United States District Court

UNITED STATES DISTRICT COURT

AUG 17 2006

NORTHERN

District of

BY MARKUS B. ZIMMER, CLERK

DEPUTY CLERK

UNITED STATES OF AMERICA

V.

MARIE RICHINS

AMENDED JUDGMENT IN A CRIMINAL CASE

Case Number: DUTX105CR000130-001

USM Number: 48179-018

Jaime Zenger

Defendant's Attorney

Date of Original Judgment: 5/16/2006

(Or Date of Last Amended Judgment)

Reason for Amendment:

- ☐ Correction of Sentence on Remand (18 U.S.C. 3742(f)(1) and (2))
☐ Reduction of Sentence for Changed Circumstances (Fed. R. Crim. P. 35(b))
☐ Correction of Sentence by Sentencing Court (Fed. R. Crim. P. 35(a))
☐ Correction of Sentence for Clerical Mistake (Fed. R. Crim. P. 36)

- ☐ Modification of Supervision Conditions (18 U.S.C. §§ 3563(c) or 3583(e))
☐ Modification of Imposed Term of Imprisonment for Extraordinary and Compelling Reasons (18 U.S.C. § 3582(c)(1))
☐ Modification of Imposed Term of Imprisonment for Retroactive Amendment(s) to the Sentencing Guidelines (18 U.S.C. § 3582(c)(2))
☐ Direct Motion to District Court Pursuant ☐ 28 U.S.C. § 2255 or ☐ 18 U.S.C. § 3559(c)(7)
☒ Modification of Restitution Order (18 U.S.C. § 3664)

THE DEFENDANT:

☒ pleaded guilty to count(s) One of the Indictment

☐ pleaded nolo contendere to count(s)
which was accepted by the court.

☐ was found guilty on count(s)
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 USC § 1344	Bank Fraud		1

The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s)

☒ Count(s) two ☒ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

8/11/2006

Date of Imposition of Judgment

Paul G. Cassell

Signature of Judge

Federal District Judge

Name of Judge

Title of Judge

8/11/06

Date

DEFENDANT:
CASE NUMBER: DUTX105CR000130-001

Judgment — Page 2 of 10

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of

Thirty months.

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____ with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT:

Judgment—Page 3 of 10

CASE NUMBER: DUTX105CR000130-001

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of

Sixty months.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record, personal history, or characteristics and shall permit the probation officer to make such notifications and confirm the defendant's compliance with such notification requirement.

DEFENDANT:

Judgment—Page 4 of 10

CASE NUMBER: DUTX105CR000130-001

ADDITIONAL SUPERVISED RELEASE TERMS

1. The defendant shall maintain full-time verifiable employment or participate in academic or vocational development throughout the term of supervision as deemed appropriate by the probation office.
2. The defendant is to inform any employer or prospective employer of her current conviction and supervision status.
3. The defendant shall refrain from incurring new credit charges or opening additional lines of credit unless she is in compliance with any established payment schedule and obtains the approval of the probation office.
4. The defendant shall provide the probation office access to all requested financial information.
5. The defendant shall abide by the following occupational restrictions:

The defendant shall not have direct or indirect control over the assets or funds of others.

DEFENDANT:

Judgment — Page 5 of 10

CASE NUMBER: DUTX105CR000130-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the following total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$	\$ 233,082.03

☐ The determination of restitution is deferred until _____. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

☐ The defendant shall make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

Name of Payee	Total Loss*	Restitution Ordered	Priority or Percentage
Please see attached list	\$233,082.03	\$233,082.03	1

TOTALS \$ _____ \$ _____

☒ Restitution amount ordered pursuant to plea agreement \$ 233,082.03

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☒ The court determined that the defendant does not have the ability to pay interest, and it is ordered that:

☒ the interest requirement is waived for ☐ fine ☒ restitution.

☐ the interest requirement for ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT:
CASE NUMBER: DUTX105CR000130-001

Judgment — Page 6 of 10

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

- A ☒ Lump sum payment of \$ 233,082.03 due immediately, balance due
- ☐ not later than _____, or
☒ in accordance with ☐ C, ☐ D, ☐ E, or ☒ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☒ Special instructions regarding the payment of criminal monetary penalties:
- Special assessment fee of \$100 due immediately. Restitution of \$233,082.03 payable at the rate of \$25.00 a month while incarcerated and a minimum rate of \$300 a month after release from imprisonment.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

TemPay c/o Joel Heiser
Bricker & Eckler Law Firm
1375 East 9th, Suite 1500
Cleveland, OH 44114-1718
(216) 523-5405

\$227,901.03

Information given to Financial Administrator

\$5181.00

Pages 7 - 10

are the

Statement of Reasons,
which will be docketed
separately as a sealed
document

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
Northern Division for the District of Utah

CYNTHIA A. ZOLLINGER,

Plaintiff,

vs.

BRIDGERLAND APPLIED
TECHNOLOGY COLLEGE, et al.,

Defendant.

SCHEDULING ORDER

Case No. 1:05-CV-145 DB

District Judge Dee Benson

Pursuant to Fed. R. Civ. P. 16(b), the Magistrate Judge¹ received the Attorneys' Planning Report filed by counsel. The following matters are scheduled. The times and deadlines set forth herein may not be modified without the approval of the Court and on a showing of good cause.

****ALL TIMES 4:30 PM UNLESS INDICATED****

- | | | |
|-----------|---|----------------------|
| 1. | PRELIMINARY MATTERS | <u>DATE</u> |
| | Nature of claim(s) and any affirmative defenses: | |
| | a. Was Rule 26(f)(1) Conference held? | <u>Yes</u> |
| | b. Has Attorney Planning Meeting Form been submitted? | <u>Yes</u> |
| | c. Was 26(a)(1) initial disclosure completed? | <u>9/1/06</u> |
|
 | | |
| 2. | DISCOVERY LIMITATIONS | <u>NUMBER</u> |
| | a. Maximum Number of Depositions by Plaintiff(s) | <u>10</u> |
| | b. Maximum Number of Depositions by Defendant(s) | <u>10</u> |
| | c. Maximum Number of Hours for Each Deposition
(unless extended by agreement of parties) | <u>7</u> |
| | d. Maximum Interrogatories by any Party to any Party | <u>30</u> |
| | e. Maximum requests for admissions by any Party to any Party | <u>50</u> |
| | f. Maximum requests for production by any Party to any
Party | <u>30</u> |

		<u>DATE</u>
3.	AMENDMENT OF PLEADINGS/ADDING PARTIES²	
a.	Last Day to File Motion to Amend Pleadings	<u>12/1/06</u>
b.	Last Day to File Motion to Add Parties	<u>12/1/06</u>
4.	RULE 26(a)(2) REPORTS FROM EXPERTS³	
a.	Plaintiff	<u>2/9/07</u>
b.	Defendant	<u>2/23/07</u>
c.	Counter Reports	
5.	OTHER DEADLINES	
a.	Discovery to be completed by:	
	Fact discovery	<u>1/31/07</u>
	Expert discovery	<u>3/30/07</u>
b.	(optional) Final date for supplementation of disclosures and discovery under Rule 26 (e)	
c.	Deadline for filing dispositive or potentially dispositive motions	<u>3/30/07</u>
6.	SETTLEMENT/ ALTERNATIVE DISPUTE RESOLUTION	
a.	Referral to Court-Annexed Mediation	<u>No</u>
b.	Referral to Court-Annexed Arbitration	<u>No</u>
c.	Evaluate case for Settlement/ADR on	<u>3/30/07</u>
d.	Settlement probability:	
7.	TRIAL AND PREPARATION FOR TRIAL:	
a.	Rule 26(a)(3) Pretrial Disclosures ⁴	
	Plaintiffs	6/29/07
	Defendants	7/13/07
b.	Objections to Rule 26(a)(3) Disclosures (if different than 14 days provided in Rule)	
c.	Special Attorney Conference ⁵ on or before	7/27/07
d.	Settlement Conference ⁶ on or before	8/10/07
e.	Final Pretrial Conference	2:30 p.m. 8/24/07

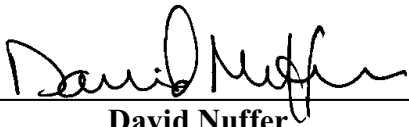
f. Trial	<u>Length</u>	<u>Time</u>	<u>Date</u>
i. Bench Trial			
ii. Jury Trial	<u>4 Days</u>	<u>8:30 a.m.</u>	<u>9/4/07</u>

8. OTHER MATTERS:

Counsel should contact chambers staff of the District Judge regarding Daubert and Markman motions to determine the desired process for filing and hearing of such motions. All such motions, including Motions in Limine should be filed well in advance of the Final Pre Trial. Unless otherwise directed by the court, any challenge to the qualifications of an expert or the reliability of expert testimony under Daubert must be raised by written motion before the final pre-trial conference.

Dated this 17th day of August, 2006.

BY THE COURT:



David Nuffer
U.S. Magistrate Judge

1. The Magistrate Judge completed Initial Pretrial Scheduling under DUCivR 16-1(b) and DUCivR 72-2(a)(5). The name of the Magistrate Judge who completed this order should NOT appear on the caption of future pleadings, unless the case is separately referred to that Magistrate Judge. A separate order may refer this case to a Magistrate Judge under DUCivR 72-2 (b) and 28 USC 636 (b)(1)(A) or DUCivR 72-2 (c) and 28 USC 636 (b)(1)(B). The name of any Magistrate Judge to whom the matter is referred under DUCivR 72-2 (b) or (c) should appear on the caption as required under DUCivR 10-1(a).
2. Counsel must still comply with the requirements of Fed. R. Civ. P. 15(a).
3. A party shall disclose the identity of each testifying expert and the subject of each such expert's testimony at least 60 days before the deadline for expert reports from that party. This disclosure shall be made even if the testifying expert is an employee from whom a report is not required.
4. Any demonstrative exhibits or animations must be disclosed and exchanged with the 26(a)(3) disclosures.
5. The Special Attorneys Conference does not involve the Court. Counsel will agree on voir dire questions, jury instructions, a pre-trial order and discuss the presentation of the case. Witnesses will be scheduled to avoid gaps and disruptions. Exhibits will be marked in a way that does not result in duplication of documents. Any special equipment or courtroom arrangement requirements will be included in the pre-trial order.
6. Counsel must ensure that a person or representative with full settlement authority or otherwise authorized to make decisions regarding settlement is available in person or by telephone during the Settlement Conference.

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

UNITED STATES OF AMERICA,	:	
	:	ORDER ON MOTION TO EXTEND
PLAINTIFF,	:	MOTIONS CUT OFF DATE
VS.	:	
	:	CASE No. 1:06-cr-00054-PGC
ANGEL CAMACHO-SAGASTE,	:	
	:	JUDGE PAUL G. CASSELL
DEFENDANT.	:	

On Motion of Defendant, and good cause appearing,

IT IS HEREBY ORDERED that the July 26, 2006, motion deadline in the above-captioned proceeding is stricken and is reset for August 31, 2006.

IT IS FURTHER ORDERED that the trial date of August 21, 2006, in the above-captioned proceeding shall be and is hereby VACATED. A Status/Change of Plea hearing is set for September 8th at 11:00 a.m.

The intervening time between August 21, 2006, and the status/change of plea hearing date shall be excluded under the Speedy Trial Act, [18 U.S.C. §§ 3161](#) (h) (8) (A), & (h) (8) (B) (i), (ii) ("[a]ny period of delay resulting from a continuance granted... at the request of a defendant or his counsel ..."), based, *inter alia*, on the court's finding that the ends of justice served by granting the continuance outweigh the best

interest of the public and the defendant in a speedy trial, the additional time necessary to allow for adequate preparation.

Dated this 17th day of August , 2006.

BY THE COURT:

PAUL G. CASSELL
U.S. District Judge

A handwritten signature in black ink, appearing to read "Paul Cassell", is written over the printed name and title.

AUG 16 2006

PROB 35
(Rev. 7/97)

Report and Order Terminating Probation
Prior to Original Expiration Date
MARKUS B. ZIMMER, CLERK

UNITED STATES DISTRICT COURT

for the

DISTRICT OF UTAH

UNITED STATES OF AMERICA

RECEIVED

AUG 16 2006

OFFICE OF
JUDGE TENA CAMPBELL

v. Criminal No. 2:02-CR-00322-001-TC

BRYCE ROBERT JACOBSEN

On December 1, 2003, the above-named was placed on probation for a period of three years. The defendant has complied with the rules and regulations of probation and is no longer in need of supervision. It is accordingly recommended that the defendant be discharged from supervision.

Respectfully submitted,

Shelley Mangum
Shelley Mangum
United States Probation Officer

Pursuant to the above report, it is ordered that the defendant be discharged from supervision and that the proceedings in the case be terminated.

Dated this 16 day of August, 2006.

Tena Campbell
Honorable Tena Campbell
United States District Judge

BRETT L. TOLMAN, United States Attorney (No. 8821)
MARK Y. HIRATA, Assistant United States Attorney (No. 5087)
Attorneys for the United States of America
185 South State Street, Suite 400
Salt Lake City, Utah 84111
Telephone: (801) 524-5682

RECEIVED

AUG 14 2006

OFFICE OF
JUDGE TENA CAMPBELL
FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 15 2006

MARKUS B. ZIMMER, CLERK

IN THE UNITED STATES DISTRICT COURT

DISTRICT OF UTAH, CENTRAL DIVISION

AUG 16 2006

MARKUS B. ZIMMER, CLERK
BY DEPUTY CLERK

UNITED STATES OF AMERICA, : Case No. 2:02-CR-673TC
Plaintiff, :
v. : ORDER
DAVID JAMES YARBROUGH, :
Defendant. : Judge Tena Campbell

The Court, having considered the United States' Motion for Extension of Time to File
Opposition to Motion for New Trial, and good cause appearing, the motion is GRANTED.

IT IS ORDERED that the United States shall have up to and including the 10th day of
October, 2006, to file its opposition to defendant David James Yarbrough's Motion for
New Trial Based on Newly Discovered Evidence.

DATED this 10 day of October, 2006.

16 August 22
BY THE COURT:

Tena Campbell

The Honorable Tena Campbell
United States District Judge

United States District Court
for the District of Utah

Petition and Order for Summons for Offender Under Supervision

Name of Offender: **Kevin Brent Corwell**

Docket Number: **2:03-CR-00049-001-DB**

Name of Sentencing Judicial Officer: **Honorable Dee Benson**
United States District Judge

Date of Original Sentence: **June 23, 2003**

Original Offense: **Possession of a Firearm by an Unlawful User of or Person Prohibited to a Controlled Substance**

Original Sentence: **5 Months Custody Bureau of Prisons; 36 Months Supervised Release**

Type of Supervision: **Supervised Release** Supervision Began: **August 29, 2003**

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 16 2006

BY **MARKUS B. ZIMMER, CLERK**
~~Dee Benson~~

PETITIONING THE COURT

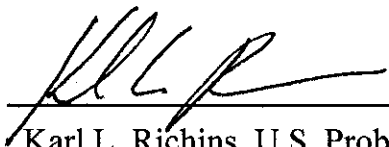
☒ To issue a summons

CAUSE

The probation officer believes that the offender has violated the conditions of supervision as follows:

Allegation No. 1: On August 7, 2006, the defendant submitted a urine specimen which tested positive for Cocaine.

I declare under penalty of perjury that the foregoing is true and correct



Karl L. Richins, U.S. Probation Officer

Date: August 16, 2006

THE COURT ORDERS:

- ☒ The issuance of a summons
and tolling of the supervision term
- ☐ The issuance of a warrant
- ☐ No action
- ☐ Other



Honorable Dee Benson
United States District Judge

Date: 08-16-06

AUG 16 2006

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

MARKUS B. ZIMMER, CLERK
DEPUTY CLERK

UNITED STATES OF AMERICA, : 2:06cr00283 JTG
Plaintiff, :
vs. : ORDER GRANTING MOTION FOR
BRIAN R. DOUGLAS, : CONTINUANCE
Defendant. :

Based upon the motion of the United States of America, and for good cause appearing, the Court hereby grants Government's Motion to Continue the Suppressing Hearing in the above referenced case, which was scheduled for August 16, 2006. The Court resets the hearing to **Tuesday, September 12, 2006, at 10:00 a.m.** FURTHER, the Court ORDERS that the time lapsed as a result of the continuance of this matter will be excludable from the time calculated under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A).

DATED this 16th day of August, 2006.


THOMAS GREENE
United States District Judge

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

OHIO NATIONAL LIFE ASSURANCE
CORPORATION, an Ohio corporation

Plaintiff and Counterclaim
Defendant,

vs.

DAVID J. MORRIS, M.D.

Defendant and Counterclaim
Plaintiff.

ORDER GRANTING STIPULATION
FOR EXTENSION OF DEADLINE TO
FILE PRETRIAL DISCLOSURES

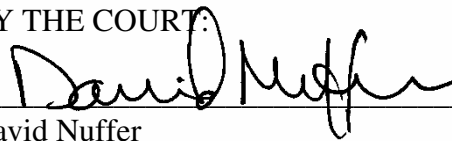
Magistrate Judge David Nuffer

Case No. 2:03CV00496 TS

Based upon the stipulation of the parties, and good cause appearing therefor, the Court orders that the defendant shall have an additional ten days, or until August 25, 2006, to file his pretrial disclosures.

DATED this 16th day of August, 2006.

BY THE COURT:



David Nuffer

United States Magistrate Judge

CALLISTER NEBEKER & McCULLOUGH
CASS C. BUTLER (4202)
Gateway Tower East Suite 900
10 East South Temple
Salt Lake City, UT 84133
Telephone: (801) 530-7300
Facsimile: (801) 364-9127

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 17 2006

MARKUS B. ZIMMER, CLERK
BY _____
DEPUTY CLERK

Attorneys for Utah Receiver, Douglas Hawkes

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

LEHMAN BROTHERS BANK, FSB,

Plaintiff,

vs.

BEVERLY HILLS ESTATES FUNDING,
INC., et al.,

Defendant.

**AMENDED THIRD ORDER
APPROVING DISTRIBUTIONS,
AMENDMENT OF EXHIBIT A,
AND MOTION FOR ATTORNEYS
FEES AND COSTS**

Civil No. 2:03-CV-00612 PGC

Judge Paul G. Cassell

Before the court are the Utah Receiver's Third Motion to Amend/Correct Exhibit A [#116] and Third Motion for Attorneys Fees and Costs [#118], filed August 7, 2006. The Motions have been unopposed.

After receiving the submissions by the Utah Receiver, and after considering the Utah Receiver's Status Report of August 7, 2006 [Docket No. 119], and being fully advised,

IT IS HEREBY ORDERED,

1. Exhibit "A" is amended to include Floy Harley, Dennis Simpson and Bryan Rust, three additional beneficiaries as set forth in the version dated August 7, 2006 submitted by the Utah Receiver. The individuals listed in the amended Exhibit "A" dated August 7, 2006, are deemed to be the legitimate and lawful beneficiaries of the Trust and shall be entitled to a proration of any distribution from the Trust in the percentage amounts listed in Exhibit "A".

2. The Utah Receiver is directed to distribute \$26,575.05 to Floy Harley, \$7,229.57 to Dennis Simpson, and \$4,191.06 to Bryan Rust, from the Trust corpus, to bring these beneficiaries current with the pro rata distribution made previously to the other beneficiaries on Exhibit "A". The Utah Receiver shall make such distributions forthwith and shall advise the Court of any distributions which are non-deliverable or checks which are not cashed by the designated recipient.

3. The Receiver's Third Application for Award of Fees and Costs dated August 7, 2006, is approved for payment from the Trust in the amount of \$23,283.90 to Hansen Barnett & Maxwell, and \$53,172.16 to Callister Nebeker & McCullough.

4. The court GRANTS the Utah Receiver's Third Motion to Amend/Correct Exhibit A [#116] and Third Motion for Attorneys Fees and Costs [#118]. Exhibit A is hereby amended by the attached Exhibit.

DATED this 17 day of August, 2006.


BY THE COURT:

PAUL G. CASSELL
U.S. DISTRICT COURT JUDGE

EXHIBIT A

Exhibit A

Revised August 7, 2006

NAME	ADDRESS	CITY, STATE	ZIP	PHONE	Net Loss on Investment	Percent of Total Net Loss
Changed Claims:						
HARLEY, FLOY	REDACTED				\$ 422,726.27	1.6627%
RUST, BRYAN					66,666.72	0.2622%
SIMPSON, DENNIS					115,000.00	0.4523%
TOTAL CHANGED CLAIMS					\$ 604,392.99	
Unchanged Claims:						
ALVARADO, JESUS					\$ 39,200.04	0.1542%
ANDERSON, DALE					2,799.85	0.0110%
ANDERSON, RANAE E.					10,000.00	0.0393%
ANDERSON, TED					186,319.00	0.7328%
ANDERSON, WADE					8,320.00	0.0327%
AUSTIN, MARK R.					112,223.49	0.4414%
BALLING, RICK					22,000.00	0.0865%
BARNES, DALE M.					128,787.37	0.5065%
BINGHAM, DAVID L.					14,216.41	0.0559%
BJORN, CHAD J. & JENNIFER A.					82,760.00	0.3255%
BJORN, DOT					155,447.76	0.6114%
BJORN, KRISTEN & RICK					110,460.00	0.4345%
BOSS, JAN					19,000.00	0.0747%
BRAEGGER, STEVEN & SUSIE					36,099.94	0.1420%
BRAEGGER, TRAPPER J.					6,200.00	0.0244%
BRIGHT, BONNIE					130,120.59	0.5118%
BROADUS, LONNEY R.					25,000.00	0.0983%
BROWN, DEALTON					10,000.00	0.0393%
BRUNO, JEFF					31,650.00	0.1245%
BRYNER, BOYD					96,773.38	0.3806%
BUCHANAN FAMILY TRUST C/O JOHN SWINDLE & SHANE R. SWINDLE					176,045.64	0.6924%
BULLOCH, BRYAN B.					55,000.00	0.2163%
BURDICK, J. FRANK					43,581.46	0.1714%
BYBEE, DIXIE					74,562.00	0.2933%
CAIN, HOWARD					34,916.00	0.1373%
CAIN, JESSICA					402,162.00	1.5818%
CAIN, TERRY					4,200.00	0.0165%
CALL, MARY E.					17,977.39	0.0707%
CANTRELL, ROD W.					15,399.69	0.0606%
CAPENER, KEN W.					47,750.00	0.1878%
CARTER, JAMES RALPH					69,320.00	0.2726%
CERVANTEZ, COLTON A.					50,000.00	0.1967%
CERVANTEZ, DIANA M.					68,250.00	0.2684%
CERVANTEZ, DUSTIN K.					111,000.00	0.4366%
CHADEZ, STEVEN					53,662.85	0.2111%
CHATTERTON, ALETHA					40,000.00	0.1573%
CHRISTENSEN, MARIANNA & CARLOS					19,931.13	0.0784%
CLARK, FRANCIS J.					44,541.44	0.1752%
CLARK, GWEN					10,000.00	0.0393%
CLARK, MARY ELLEN					95,627.67	0.3761%
CLARK, ROGER A.					7,302.65	0.0287%
CLARK, WARD R.					59,100.00	0.2325%
CLINCH, MARVIN G.					5,000.00	0.0197%
COMBUSTION RESOURCES					375,000.00	1.4749%
CORNIA, LEAH					55,200.00	0.2171%
CORNWALL, JAMES					51,000.00	0.2006%
CORRY, JOHN R.					11,000.00	0.0433%
COTTRELL, DALE					46,310.00	0.1821%
CRIST, ROBERT					280,000.00	1.1013%
CRITCHLOW, PAUL J.					112,000.00	0.4405%
CROZIER, GEORGE & LORNA					93,853.95	0.3691%
CROZIER, KELLY N.					49,100.00	0.1931%
CROZIER, KIT					16,723.34	0.0658%
CRUZ, LEVONA					20,000.00	0.0787%

NAME	ADDRESS	CITY, STATE	ZIP	PHONE	Net Loss on Investment	Percent of Total Net Loss
CRUZ, SYLVESTER					20,000.00	0.0787%
CUNNINGHAM, WILLIS					55,200.00	0.2171%
DALEY, ERNEST & JUDY					28,000.00	0.1101%
DAVIS, FRED					150,000.00	0.5900%
DAVIS, JANICE					30,000.00	0.1180%
DAY, RUSSELL & HEATHER					115,305.00	0.4535%
DILLREE, CAROL & BRENT, KEN					103,216.46	0.4060%
DOCKSTADER, DEE & MINDY					55,000.00	0.2163%
DOUGLAS, LOUIS P., ARTHUR & KAREN					51,600.00	0.2030%
EARL, LEWIS & CAROL					380.00	0.0015%
EARLY, DALMAIN					10,000.00	0.0393%
EATOUGH, CRAIG					200,000.00	0.7866%
EGAN, RUTH					85,227.75	0.3352%
ERICKSON, DAVID C.					109,000.00	0.4287%
ERICKSON, JEANINE					26,700.00	0.1050%
ESTEP, JERRY O.					261,800.00	1.0297%
FAIRBANKS, PATRICE					22,251.58	0.0875%
FIRTH, JEFF					28,371.26	0.1116%
FRANCIS, HOWARD					611,085.00	2.4035%
FRANCIS, LARRY					319,329.00	1.2560%
FRANCIS, LEE C/O LARRY FRANCIS					160,000.00	0.6293%
FRANCIS, VAUGHN & VERNA					100,000.00	0.3933%
FRANCIS, WILLIAM					20,000.00	0.0787%
FRITTS, JOHN					70,000.00	0.2753%
GADDIE, ERMA L.					98,700.00	0.3882%
GARDNER, GARY J. & MERILEE					43,029.00	0.1692%
GARRETT, GAYLEN					29,393.31	0.1156%
GEISLER, LARRY L. & MARSHA H.					10,000.00	0.0393%
GILBERT, BRUCE & TAMRA					174,687.30	0.6871%
GODFREY, GRACE					86,424.79	0.3399%
GOOCH MEMORIAL SCHOLARSHIP					83,500.05	0.3284%
GOODRICH, JESSE					23,008.00	0.0905%
GOODWIN, GREGORY, BANK OF UTAH CUSTODIAL IRA					146,000.00	0.5742%
GRANT, DAN					33,902.00	0.1333%
GRANT, EUGENIA					59,000.00	0.2321%
GREEN, KORRY					20,300.39	0.0798%
GRIFFETH, JOHN D.					5,924.84	0.0233%
GRIFFIN, JUSTIN					4,950.00	0.0195%
GROVER, CLAYTON & TRICIA					79,440.50	0.3125%
HALES, BEVAN & CLO					40,250.00	0.1583%
HAMILTON, RANDY					120,000.00	0.4720%
HANSEN, JAY					70,763.38	0.2783%
HANSEN, KENNETH					85,995.97	0.3382%
HANSEN, LINDA					30,822.16	0.1212%
HANSEN, MERIDENE					68,401.00	0.2690%
HARLEY, FRED & MARILYN					233,363.84	0.9179%
HARLEY, LARON					7,000.00	0.0275%
HARRIS, JULIE					158,312.17	0.6227%
HARROLD, DALE & ANNETTE					15,000.00	0.0590%
HARVEY, SID					45,675.33	0.1796%
HARWARD, RICHARD					100,000.00	0.3933%
HATCH, IRA C.					469,698.68	1.8474%
HAUBART, EDWARD					50,000.00	0.1967%
HAUBERT, JANET					50,000.00	0.1967%
HAWKS, MERLYN					25,000.00	0.0983%
HAWKS, RAYMOND T.					50,000.00	0.1967%
HAYES, LUCY J.					94,473.14	0.3716%
HAYES, RON					5,000.00	0.0197%
HEINDEL, MYRTLE					111,200.00	0.4374%
HENDRY, CAROL					149,500.00	0.5880%
HENNESSY, NANCY & GARY					47,708.35	0.1876%
HENRIE, JIMMY V.					103,273.69	0.4062%
HICKMAN, EDWARD					42,462.96	0.1670%
HILL, KELLEY C. & SHAUNA L.					18,400.00	0.0724%
HILL, LEONARD F.					270,900.00	1.0655%
HILL, MERRIL & MELVA A.					29,000.00	0.1141%
HILL, SHANE & CAMILLE					114,417.75	0.4500%
HIRSCHI, BRANDON & JAMIE R.					15,342.47	0.0603%
HIRSCHI, CLARICE					22,790.00	0.0896%

NAME	ADDRESS	CITY, STATE	ZIP	PHONE	Net Loss on Investment	Percent of Total Net Loss
HIRSCHI, JERRY					21,396.29	0.0842%
HODSON, LYLE M. & RETA C/O ESTER M. ROTHWELL					113,319.33	0.4457%
HOLLINGSWORTH, KIM					15,344.45	0.0604%
HOLMGREN, MELANIE C. & JARED N.					9,540.00	0.0375%
HOLMGREN, PETE & LINDA (CRAIG)					768,136.00	3.0212%
HOWE, CHARLES D. & CHERYL					6,573.81	0.0259%
HOWELL, GRANT B.					100,146.17	0.3939%
HUBER, DOYLE					19,291.50	0.0759%
HUEFNER, CLEO K.					88,965.74	0.3499%
HUNTER, ELIA DEAN					13,541.22	0.0533%
HURD, ROZINE					7,589.97	0.0299%
HURLEY, JOHN THOMAS & SHARON M.					21,600.00	0.0850%
HURREN, WENDELL LIVING TRUST					25,000.00	0.0983%
INGRAM, JOHN E.					75,000.00	0.2950%
JAMES, H. GORDON & INA W.					30,000.00	0.1180%
JEPPESON, BRUCE & CAROL					32,885.95	0.1293%
JEPPESON, CARLA					6,500.00	0.0256%
JENSEN, CHARLENE					186,993.07	0.7355%
JEPPESON, LANCE F. & JILLE E MAUSER					180,178.50	0.7087%
JEPPESON, RON					398,594.58	1.5677%
JOHNSON, BRANDEE I.					10,000.00	0.0393%
JONES, BLAKE					71,708.50	0.2820%
JONES, DAVE & CAROL					13,863.00	0.0545%
JONES, RALPH & SHIRLENE S.					21,700.00	0.0854%
JORDAN, TERRY L.					144,652.83	0.5689%
JOSEPHSON, BOYD O. & JEAN					39,261.60	0.1544%
JULIANO, SHARON					43,746.61	0.1721%
KELLY, FERN c/o Patrick Kelly					70,000.00	0.2753%
KELLY, J. PATRICK					303,400.00	1.1933%
KEONE, MICHAEL					320,000.00	1.2586%
KHONA, JAMES c/o RAMESH KHONA					10,000.00	0.0393%
KHONA, KEVIN					15,000.00	0.0590%
KHONA, KRISHAN					15,000.00	0.0590%
KHONA, KRISTINA					10,000.00	0.0393%
KHONA, RAMESH & MARIAN					25,000.00	0.0983%
KHONA, ROHIT					10,000.00	0.0393%
KING, ANDREW					89,072.91	0.3503%
KING, DARRELL					49,555.00	0.1949%
KING, JOHN					110,579.60	0.4349%
KING, TOSHA					1,000.00	0.0039%
KREY, JOHN					467,123.88	1.8373%
LARSEN, DALE & KATHY					10,000.00	0.0393%
LEAK, DEE & GLENNA					177,238.04	0.6971%
LEAVITT, IREN D.					317,989.74	1.2507%
LEMMON, DONNA					72,438.51	0.2849%
LENZ, KARLA					29,348.08	0.1154%
LISH, LANDEN D. & JULIE A.					10,288.02	0.0405%
LITCHFORD, MICHAEL LEE JR.					26,206.97	0.1031%
LLEWELLYN, ROBERT					100,000.00	0.3933%
LONG, BRYAN					86,008.39	0.3383%
LOVELAND, LANCE					29,716.39	0.1169%
MACFARLANE, FERRIS A. & ARLENE P.					15,000.00	0.0590%
MACFARLANE, TED					47,365.87	0.1863%
MADDOCK, JACKIE					45,538.14	0.1791%
MADSEN, BARBIE					10,492.70	0.0413%
MADSEN, BROOKS & KAREN					6,000.00	0.0236%
MADSEN, BRYAN					6,522.01	0.0257%
MADSEN, JEFF					8,897.06	0.0350%
MANUS, RICHARD L. & TERESA					87,228.63	0.3431%
MANWARING, KIM					150,000.00	0.5900%
MARQUEZ, TERI L.					50,000.00	0.1967%
MARSHALL, CALLEEN					10,000.00	0.0393%
MASON, HAL J. & MARVA L.					9,615.00	0.0378%
MASON, REESE B.					70,971.00	0.2791%
MAUSER, DALE & DEBORAH					4,122.85	0.0162%
MAUSER, MARGARETA					218,479.12	0.8593%
MCCABE, TODD					141,722.23	0.5574%
MCKENZIE, RENNY					23,284.36	0.0916%
MCKINNEY, WILLIAM R. & JENNA L.					43,100.00	0.1695%

NAME	ADDRESS	CITY, STATE	ZIP	PHONE	Net Loss on Investment	Percent of Total Net Loss
MCMURDIE, CLAYTON					16,400.00	0.0645%
MCMURDIE, ZACHARY CHASE					12,130.00	0.0477%
MERRYWEATHER, FRANK B. & JOANN					33,500.00	0.1318%
MERRYWEATHER, RICK					56,691.97	0.2230%
MERRYWEATHER, SUSAN					10,350.00	0.0407%
MILLARD, STAN					11,765.28	0.0463%
MILLER, POLLY					20,233.59	0.0796%
MILLER, WOODRUFF					30,000.00	0.1180%
MILLS, JOSEPH					13,931.88	0.0548%
MILLS, LYNNDA					13,760.43	0.0541%
MOORE, SALLY					49,100.00	0.1931%
MORRELL, M. LEE					174,670.20	0.6870%
MUNSON, MIKE					99,242.99	0.3903%
MYLORIE, HOPE					21,000.00	0.0826%
NEAL, CLAIR D.					45,611.75	0.1794%
NEAL, ERIN E.					25,000.00	0.0983%
NEAL, ROY W.					20,164.51	0.0793%
NELSON, BROOKS & KAREN L.					4,518.10	0.0178%
NELSON, GARY & JAKE					15,178.06	0.0597%
NESSEN, JAMES					9,200.00	0.0362%
NESSEN, LINDA E.					39,750.00	0.1563%
NEUDECKER, DON					94,947.06	0.3734%
NIEHAUS, MARK					90,000.00	0.3540%
NIELSON, TERRY					54,850.00	0.2157%
NORR, MICHAEL					75,175.00	0.2957%
NORTON, SHAWN					208,971.35	0.8219%
OGDEN, KEVIN & ELOISE					128,500.00	0.5054%
OGDEN, MARLENE					24,000.00	0.0944%
ORR, FAYE					25,040.00	0.0985%
OWEN, ROGER					210,711.00	0.8288%
OWEN, WAYNE					168,000.00	0.6608%
OYLER, DEREK					10,044.92	0.0395%
PACKER, BARBARA					30,000.00	0.1180%
PADGETT-BARKER, TRACY					69,839.00	0.2747%
PARKINSON, STEVEN					42,194.55	0.1660%
PAYNE, LEON					63,566.59	0.2500%
PEACOCK, DIXON					220,000.00	0.8653%
PERMANN, LANNY					7,010.52	0.0276%
PETERSON, WILLIS CHASE AND/OR WANDA HYDE					40,000.00	0.1573%
PETERSON, REBECCA A.					42,633.00	0.1677%
PETTY, CHRIS D.					13,500.00	0.0531%
PHILLIPS, ROSS c/o J. OLDHAM					49,000.00	0.1927%
POND, JIM & LUDENE					23,604.63	0.0928%
QUINNEY, VALENE					9,839.03	0.0387%
RAMSEY, AUDREY V.					23,000.00	0.0905%
RANSOM, ROWENE					59,250.00	0.2330%
RICH, CARTER					9,299.98	0.0366%
RICHARDSON, ROBERT A.					24,768.33	0.0974%
ROBINETTE, DENISE F.					16,125.00	0.0634%
ROCHE, MILTON ROCHE FARMS					297,234.37	1.1691%
ROWLEY, JANICE, ROGER					46,522.62	0.1830%
RUBERT, MOLLY					10,000.00	0.0393%
RUPP, BLAINE					20,000.00	0.0787%
RUPP, DEELOY					20,000.00	0.0787%
RUSHTON, DENNIS					10,080.00	0.0396%
SALZETTI, PAUL					25,000.00	0.0983%
SANDERS, RONALD					33,700.00	0.1325%
SARGENT, TROY L.					74,662.65	0.2937%
SEAMONS, GLORIA					110,000.00	0.4327%
SEARLE, CLINTON					231,625.64	0.9110%
SHAFFER, LYNN					123,028.58	0.4839%
SHELLEY SECOND FAMILY PARTNERSHIP					150,000.00	0.5900%
Shelley, Merlin R.					192,500.00	0.7571%
SHELLEY, ROBERT					89,929.81	0.3537%
SHELLEY, ROBERT NGU ENTERPRISES					336,500.00	1.3235%
SHELLEY, ROBERT, NGU PENSION FUND					17,000.00	0.0669%
SHINER, BRENT					20,000.00	0.0787%
SMITH, EVELYN					50,000.00	0.1967%
SMOOT, L. DOUGLAS					300,000.00	1.1800%

NAME	ADDRESS	CITY, STATE	ZIP	PHONE	Net Loss on Investment	Percent of Total Net Loss
SNOW, LYNN					50,456.60	0.1985%
SORENSEN, EARL					15,000.00	0.0590%
STEFFENHAGEN, SCOTT					60,050.00	0.2362%
STEVENS, FRANK					500.00	0.0020%
STEWART, JENNIFER					30,707.00	0.1208%
STOKES, VAL					54,719.00	0.2152%
SWANK, NORMA L.					208,662.63	0.8207%
SWENSON, DAVID C.					50,000.00	0.1967%
SWINBURNE, ROBERT D.					45,706.64	0.1798%
TAYLOR, CHARLES					190,789.39	0.7504%
TAYLOR, DEE					65,000.00	0.2557%
TEMPLES, WYLMA					100,000.00	0.3933%
TERLOUW, CORNELIS (KEES)					25,000.00	0.0983%
THAYN, LORALIE					25,000.00	0.0983%
THOMAS, THANE					10,000.00	0.0393%
THOMPSON, FAYE W.					23,500.01	0.0924%
THOMPSON, JERAMIE D.					9,691.67	0.0381%
THOMPSON, LLOYD					25,000.00	0.0983%
THOMPSON, TIM D.					48,812.66	0.1920%
THORNLEY, ARLETA					8,000.00	0.0315%
THURGOOD, GARY					10,000.00	0.0393%
THURGOOD, GLEN					130,000.00	0.5113%
TOLMAN, BRYCE D.					285,736.61	1.1239%
TOLMAN, MARK					86,955.00	0.3420%
TREECE, EDWARD K.					73,995.80	0.2910%
TREU, K. MILTON					525,000.00	2.0649%
TULLIS, CARROLL, LILLIAN					74,000.00	0.2911%
UDY, BRYCE H.					46,282.00	0.1820%
VAN VALKENBURG, DEAN					18,300.00	0.0720%
VEATER, HOWARD					42,950.00	0.1689%
WEBB, ARNITA					16,681.95	0.0656%
WEBSTER, DENNIS S.					13,171.10	0.0518%
WELLING, KIM					10,000.00	0.0393%
WILDASIN, JOHN & RUTH					667,504.02	2.6254%
WINGER, LARRY					75,728.91	0.2979%
WINTER, TEX					78,072.00	0.3071%
WITHAM, ROBERT					23,026.68	0.0906%
WOLLMERING, MARY					300,000.00	1.1800%
WOMACK, DALE					95,040.16	0.3738%
WOODWARD, JARED J.					10,000.00	0.0393%
WOODYATT, GLEN					209,906.46	0.8256%
WURSTEN, LEON M.					57,305.22	0.2254%
YODER, ROSALIE E.					15,962.00	0.0628%
YOUNG, JERRY					55,135.00	0.2169%
ZARATE, GENARO					64,628.06	0.2542%
ZUNDEL, RANDY W.					262,225.00	1.0314%
TOTAL UNCHANGED CLAIMS					\$ 24,820,259.74	
TOTAL OF ALL CLAIMS					\$ 25,424,652.73	100.0000%

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
Central Division for the District of Utah

MIKE ANDRUS,

Plaintiff,

vs.

HURRICANE CITY, et al.,

Defendant.

SCHEDULING ORDER

Case No. 2:04-CV-1001 DAK

District Judge Dale A. Kimball

Magistrate Judge David Nuffer

Pursuant to Fed. R. Civ. P. 16(b), the Magistrate Judge¹ received the Attorneys' Planning Report filed by counsel. The following matters are scheduled. The times and deadlines set forth herein may not be modified without the approval of the Court and on a showing of good cause.

****ALL TIMES 4:30 PM UNLESS INDICATED****

- | | | |
|-----------|---|----------------------|
| 1. | PRELIMINARY MATTERS | <u>DATE</u> |
| | Nature of claim(s) and any affirmative defenses: | |
| | a. Was Rule 26(f)(1) Conference held? | <u>No</u> |
| | b. Has Attorney Planning Meeting Form been submitted? | <u>No</u> |
| | c. Was 26(a)(1) initial disclosure completed? | <u>9/1/06</u> |
|
 | | |
| 2. | DISCOVERY LIMITATIONS | <u>NUMBER</u> |
| | a. Maximum Number of Depositions by Plaintiff(s) | <u>15</u> |
| | b. Maximum Number of Depositions by Defendant(s) | <u>10</u> |
| | c. Maximum Number of Hours for Each Deposition
(unless extended by agreement of parties) | <u>4</u> |
| | d. Maximum Interrogatories by any Party to any Party | <u>25</u> |
| | e. Maximum requests for admissions by any Party to any Party | <u>25</u> |
| | f. Maximum requests for production by any Party to any Party | <u>25</u> |

3. **AMENDMENT OF PLEADINGS/ADDING PARTIES²**
 - a. **Last Day to File Motion to Amend Pleadings** 10/1/06
 - b. **Last Day to File Motion to Add Parties** 10/1/06
4. **RULE 26(a)(2) REPORTS FROM EXPERTS³**
 - a. **Plaintiff** 10/31/06
 - b. **Defendant** 11/30/06
 - c. **Counter Reports**
5. **OTHER DEADLINES**
 - a. **Discovery to be completed by:**
Fact discovery 1/28/07
Expert discovery 12/31/06
 - b. **(optional) Final date for supplementation of disclosures and discovery under Rule 26 (e)** 60 Days
Prior to
Trial
 - c. **Deadline for filing dispositive or potentially dispositive motions** 3/31/07
6. **SETTLEMENT/ ALTERNATIVE DISPUTE RESOLUTION**
 - a. **Referral to Court-Annexed Mediation** Yes
 - b. **Referral to Court-Annexed Arbitration** No
 - c. **Evaluate case for Settlement/ADR on** 2/15/07
 - d. **Settlement probability:**
7. **TRIAL AND PREPARATION FOR TRIAL:**
 - a. **Rule 26(a)(3) Pretrial Disclosures⁴**
Plaintiffs 7/20/07
Defendants 8/3/07
 - b. **Objections to Rule 26(a)(3) Disclosures**
(if different than 14 days provided in Rule)

DATE
 - c. **Special Attorney Conference⁵ on or before** 8/17/07
 - d. **Settlement Conference⁶ on or before**


e.	Final Pretrial Conference	2:30 p.m.	8/31/07
f.	Trial	<u>Length</u>	<u>Time</u>
	i. Bench Trial	<u>5 Days</u>	<u>8:30 a.m.</u>
	ii. Jury Trial		<u>9/10/07</u>

8. OTHER MATTERS:

Counsel should contact chambers staff of the District Judge regarding Daubert and Markman motions to determine the desired process for filing and hearing of such motions. All such motions, including Motions in Limine should be filed well in advance of the Final Pre Trial. Unless otherwise directed by the court, any challenge to the qualifications of an expert or the reliability of expert testimony under Daubert must be raised by written motion before the final pre-trial conference.

Dated this 17 day of August, 2006.

BY THE COURT:


David Nuffer
U.S. Magistrate Judge

- The Magistrate Judge completed Initial Pretrial Scheduling under DUCivR 16-1(b) and DUCivR 72-2(a)(5). The name of the Magistrate Judge who completed this order should NOT appear on the caption of future pleadings, unless the case is separately referred to that Magistrate Judge. A separate order may refer this case to a Magistrate Judge under DUCivR 72-2 (b) and 28 USC 636 (b)(1)(A) or DUCivR 72-2 (c) and 28 USC 636 (b)(1)(B). The name of any Magistrate Judge to whom the matter is referred under DUCivR 72-2 (b) or (c) should appear on the caption as required under DUCivR 10-1(a).
- Counsel must still comply with the requirements of Fed. R. Civ. P. 15(a).
- A party shall disclose the identity of each testifying expert and the subject of each such expert's testimony at least 60 days before the deadline for expert reports from that party. This disclosure shall be made even if the testifying expert is an employee from whom a report is not required.
- Any demonstrative exhibits or animations must be disclosed and exchanged with the 26(a)(3) disclosures.
- The Special Attorneys Conference does not involve the Court. Counsel will agree on voir dire questions, jury instructions, a pre-trial order and discuss the presentation of the case. Witnesses will be scheduled to avoid gaps and disruptions. Exhibits will be marked in a way that does not result in duplication of documents. Any special equipment or courtroom arrangement requirements will be included in the pre-trial order.
- Counsel must ensure that a person or representative with full settlement authority or otherwise authorized to make decisions regarding settlement is available in person or by telephone during the Settlement Conference.

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

UNITED STATES DISTRICT COURT

AUG 16 2006

Central

District of

UNITED STATES OF AMERICA

V.

Lisa Runyon

JUDGMENT IN A CRIMINAL CASE

Utah
BY MARKUS B. ZIMMER, CLERK
DEPUTY CLERK

Case Number: DUTX 2:05CR000109-002

USM Number: 12426-081

Mary C. Corporon

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 1 of the Indictment

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
21 USC § 841(a)(1)	Conspiracy to Manufacture 50 Grams or More of Actual Methamphetamine		1

The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☒ Count(s) 2 of the Indictment ☒ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

8/10/2006

Date of Imposition of Judgment

Tena Campbell

Signature of Judge

Tena Campbell

Name of Judge

District Court Judge

Title of Judge

8-16-2006

Date

DEFENDANT: Lisa Runyon
CASE NUMBER: DUTX 2:05CR000109-002

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

48 Months

☒ The court makes the following recommendations to the Bureau of Prisons:

The Court strongly recommends the defendant participate in the RDAP program, while incarcerated. The Court also recommends the defendant serve her sentence at FCI Dublin, CA.

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____.

☐ as notified by the United States Marshal.

☒ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☒ before 2 p.m. on 9/8/2006.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Lisa Runyon
CASE NUMBER: DUTX 2:05CR000109-002

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

60 Months

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Lisa Runyon

CASE NUMBER: DUTX 2:05CR000109-002

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall maintain full-time, verifiable employment or participate in academic or vocational development throughout the term of supervision as deemed appropriate by the USPO.
2. The defendant shall pay monthly child support/child support arrearage payments in an amount to be established by the Office of Recovery Services. The defendant shall keep current on these payments and attach a copy of said payment to her monthly supervision report.
3. The defendant will submit to drug/alcohol testing as directed by the probation office, and pay a one-time \$115 fee to partially defer the costs of collection and testing. If testing reveals illegal drug use or excessive and/or illegal consumption of alcohol such as alcohol-related criminal or traffic offenses, the defendant shall participate in drug and/or alcohol abuse treatment under a copayment plan as directed by the USPO and shall not possess or consume alcohol during the course of treatment, nor frequent businesses where alcohol is the chief item of order.
4. The defendant shall submit her person, residence, office or vehicle to a search, conducted by a USPO at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.

DEFENDANT: Lisa Runyon
 CASE NUMBER: DUTX 2:05CR000109-002

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$	\$ 6,272.75

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☒ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
----------------------	--------------------	----------------------------	-------------------------------

Drug Enforcement Administration	\$6,272.75	\$6,272.75	
348 East South Temple			
Salt Lake City, Utah 84111			

TOTALS	\$ 6,272.75	\$ 6,272.75	
--------	-------------	-------------	--

☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Lisa Runyan
CASE NUMBER: DUTX 2:05CR000109-002

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than _____, or
☒ in accordance ☐ C, ☐ D, ☐ E, or ☒ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☒ Payment in equal monthly (e.g., weekly, monthly, quarterly) installments of \$ 100.00 over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:
- Restitution shall be paid at a minimum amount of \$100.00 per month, unless otherwise increased by the USPO. SPA of \$100.00 is to be paid immediately.

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☒ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

Restitution of \$6,272.75 shall be paid jointly and severally with co-defendants
Richard Runyan 2:05CR000109-001
Lisa Runyan 2:05CR000109-002
Brian Gerhartz 2:05CR000109-003.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Pages 7 - 10

are the

Statement of Reasons,
which will be docketed
separately as a sealed
document

BRETT L. TOLLMAN, United States Attorney (#8821)
BARBARA BEARNSON, Assistant United States Attorney (#3986)
CY H. CASTLE, Special Assistant United States Attorney (#1111)
Attorneys for the United States of America
185 South State Street, #400
Salt Lake City, Utah 84111-1506
Telephone: (801) 524-5682
Facsimile: (801) 524-6924

UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 16 2006

MARKUS B. ZIMMER, CLERK
BY _____
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,	:	
	:	Case No. 2:05-cr-571 DS
Plaintiff,	:	
	:	
vs.	:	ORDER ON STIPULATED MOTION
	:	TO CONTINUE TRIAL DATE AND
GORDON MILLER AND	:	EXCLUDE TIME FROM SPEEDY
JAMEN WOOD,	:	TRIAL ACT COMPUTATION UNDER
	:	18 U.S.C. § 3160
Defendants.	:	
	:	Judge David Sam

Based upon the Stipulated Motion to Continue Trial Date and Exclude Time from Speedy Trial Act Computation under 18 U.S.C. § 3160, the Court grants Plaintiff's Motion and finds as follows:

1. The parties have stipulated to the continuance of the trial.

2. Counsel for the government has a five-day trial set before this Court scheduled for September 12, 2006 through September 19, 2006.

3. This case involves complex charges. The discovery is voluminous, consisting of approximately 8000 documents, and involves many out of state witnesses.

4. After the indictment was returned, the government discovered documents potentially protected under the attorney-client privilege related to Defendant Jamen Wood.

5. Counsel for Defendant Wood has been reviewing these documents, but has not completed his review. This has limited counsel for Defendant Gordon Miller's review of all of the documents the government has produced.

6. Plea negotiations are ongoing in hopes of settlement of this matter.

7. The Defendants will not be prejudiced by the requested continuance in that they are not in custody.

8. Because of the vast amount of discovery, remaining complications in the discovery process and complex nature of the charges, the upcoming trial for counsel for the government, counsel need additional time to prepare for trial.

9. The ends of justice in granting the continuance outweigh the best interests of the public and the Defendants.

10. The period of time necessary for the continuance of the trial is excluded from the Speedy Trial Act pursuant to 18 U.S.C. § 3160(h)(8)(A).

Based upon the foregoing, it is hereby ordered as follows:

1. The trial in this case, currently scheduled for a ten-day jury trial beginning September 25, 2006 is continued until the 20th day of February, ²⁰⁰⁷ ~~2006~~, at 8:30 a.m.

2. Proposed jury instructions and voir dire questions are to be delivered to the Court on or before 2/12/07 __, ~~2006~~.

3. Plea negotiations should be completed on or before 2/5/07 __, ~~2006~~, the plea deadline. Counsel are to report to chambers before the deadline whether the matter will proceed to trial. If negotiations are not completed for a plea by the plea deadline, the case will be tried.

4. All pretrial motions are to be filed with the Court on or before 2/5/07 __, ~~2006~~ at 5:00 p.m.

Dated this 17th day of August, 2006.

BY THE COURT:

David Sam
Judge David Sam
United States District Court Judge

Peter W. Billings, A0330
Douglas J. Payne, A4113
FABIAN & CLENDENIN,
A Professional Corporation
Twelfth Floor
215 South State Street
P.O. Box 510210
Salt Lake City, Utah 84151
Telephone: (801) 531-8900

Brad Holm (Utah Bar no. 01521)
Alan K. Hyde (pro hac vice)
HOLM WRIGHT HYDE & HAYS PLC
10429 South 51st Street, Suite 285
Phoenix, Arizona 85044
(480) 961-0040

Attorneys for Appellee/Cross Appellant
Reorganized Debtor C and M Properties, LLC

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 16 2006

BY MARKUS B. ZIMMER, CLERK
DEPUTY CLERK

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH**

In re:

C and M Properties, LLC, a Utah limited
liability company,

Debtor.

C and M Properties, LLC, a Utah limited
liability company,

Appellee,

vs.

Richard D. Burbidge, an individual; Jefferson
W. Gross, an individual; Burbidge &
Mitchell, a Utah partnership; Richard D.
Burbidge, Inc., a Utah corporation; Stephen
B. Mitchell, Inc., a Utah corporation;
Jefferson W. Gross, P.C., Inc.,

Appellants.

**ORDER ESTABLISHING BRIEFING
SCHEDULE**

District Court Case No. 2:05cv00121

Bankruptcy No. 01-38555 GEC
Chapter 11

Adversary No. 03P-02024 GEC

Based upon the Amended Stipulated Motion for Briefing Schedule, and good cause appearing,

IT IS HEREBY ORDERED that:

1. The principal brief of Appellee/Cross-Appellant Reorganized Debtor C and M Properties, LLC ("C&M") on the appeal of the bankruptcy court's June 9, 2006 order shall be due August 31, 2006;
2. The responsive brief of Appellants/Cross-Appellees Richard D. Burbidge, Jefferson W. Gross, Burbidge & Mitchell, Richard D. Burbidge, Inc., Stephen B. Mitchell, Inc., and Jefferson W. Gross, P.C. (collectively "Burbidge & Mitchell") on the appeal of the bankruptcy court's June 9, 2006 order shall be due October 9, 2006; and
3. C&M's reply brief shall be due fifteen (15) days after service of Burbidge & Mitchell's brief.

DATED this 16th day of August, 2006.

BY THE COURT:



Dee V. Benson
United States District Judge

Approved as to form:

RAY QUINNEY & NEBEKER

s/ James S. Jardine

James S. Jardine

Brent D. Wride

Attorneys for Appellants/Cross Appellees

Richard D. Burbidge, Jefferson W. Gross,

Burbidge & Mitchell, Richard D. Burbidge, Inc.,

Stephen B. Mitchell, Inc., and Jefferson W. Gross, P.C.

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of August, 2006, the foregoing document was filed with the Clerk of the Court using the CM/ECF system with notification of such filing to the following:

James S. Jardine
Ray Quinney & Nebeker
36 South State Street, Suite 1400
Salt Lake City, Utah 84111

Duane H. Gillman
Durham Jones & Pinegar
50 East Broadway #900
Salt Lake City, Utah 84111

United States Trustee
9 Exchange Place, Suite 100
Salt Lake City, Utah 84111

/s/ Douglas J. Payne

RECEIVED

AUG 16 2006

Order Prepared By:

James E. Ellsworth
KIRTON & MCCONKIE
60 E. So. Temple, #1800
P.O. Box 45120
Salt Lake City, Utah 84145

FILED IN UNITED STATES DISTRICT COURT
JUDGE TENA CAMPBELL
CLERK, DISTRICT OF UTAH

AUG 16 2006

MARKUS B. ZIMMER, CLERK
BY _____
DEPUTY CLERK

Attorneys for Plaintiff, Touch-Tel, USA, L.P.

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

TOUCH-TEL, USA, L.P.,

Plaintiff,

vs.

NETWORK MANAGEMENT, INC.,
DELTACOM NETWORKS, INC., SANTOS
COMMUNICATIONS LLC, MR. VIJAYA
SANTOS, PEPLO COMMUNICATIONS
LLC, and MR. FLYNN NEELAMKAVIL,

Defendants.

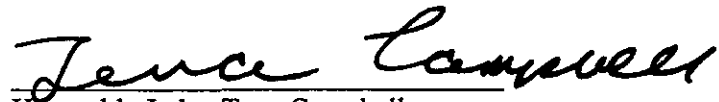
)
) **ORDER OF DISMISSAL WITH**
) **PREJUDICE OF ALL CLAIMS**
) **AGAINST PEPLO COMMUNICATIONS,**
) **LLC AND MR. FLYNN NEELAMKAVIL**
)
) Case No. 2:05-cv-00188 TC
)
) Judge Tena Campbell
)
)
)
)
)
)
)

The Stipulation and Motion for Entry of Order of Dismissal of all claims against Peplo Communications, LLC and Mr. Flynn Neelamkavil having been carefully considered and with good cause appearing therefor:

IT IS HEREBY ORDERED, JUDGED, AND DECREED that all claims asserted by Plaintiff Touch-Tel, USA, L.P. ("Touch-Tel") against Peplo Communications, LLC and Mr. Flynn Neelamkavil ("Peplo") in the above-entitled action, including any and all claims asserted therein, or claims arising out of the transactions described in the Complaints filed by Touch-Tel in the above suit, be and are hereby dismissed with prejudice and upon the merits, each party to bear his or its own costs and attorney fees incurred herein. Nothing herein shall affect Touch-Tel's claims against the other defendants, which are *not* dismissed.

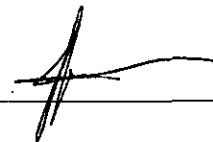
DATED this 16 day of Aug, 2006.

UNITED STATES DISTRICT COURT


Honorable Judge Tena Campbell
District of Utah, Central Division

Approved as to Form by:

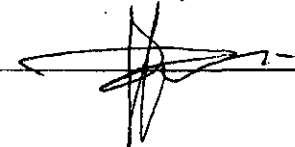
PEPLO COMMUNICATIONS, LLC

By: 

Title: President

Print Name: Flynn Neelamkavil

FLYNN NEELAMKAVIL, individually



Chad T. Warren #10337
MACARTHUR HEDER & METLER, PLLC
3507 North University Ave. Suite 350
Provo, UT 84604
Telephone: (801) 377-1900
Facsimile: (801) 377-1901

RECEIVED

AUG 14 2006

**OFFICE OF
JUDGE TENA CAMPBELL**

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DISTRICT

AUG 16 2006

MARKUS B. ZIMMER, CLERK
BY _____
DEPUTY CLERK

COLIN METLER,

Plaintiff,

v.

MICHELE STORER, BRYAN
STORER, MED-X MOBILE LABS,
LLC, and DOES I – V, unknown parties,

Defendants,

Case No.: 2:05CV00386 TC

Judge: CAMPBELL

FINAL ORDER FOR DISSOLUTION OF
MED-X MOBILE LABS, LLC,
ASSIGNMENT OF RECIEVER, AND
DISTRIBUTION OF BUSINESS ASSETS

This action having come before the Court on the Plaintiff's Motion for Summary Judgment, the Court having reviewed the motion, plaintiff's memorandum and exhibits, defendant's response and exhibits, and good cause appearing therefore, being fully advised in the premises, does hereby ORDER, ADJUDGE and DECREE as follows:

1. That Med-X Mobile Labs, LLC be judicially dissolved pursuant to Idaho Code § 53-643 (1)(a).

2. That a neutral receiver independent of the influence of the parties be assigned by the Court. The receiver shall have all rights and powers necessary to conduct the winding up of business affairs pursuant to Idaho Code § 53-644 (2). The distribution of assets shall be governed by Idaho Code § 53-646.
3. The receiver is granted all powers necessary to:
 - a. Distribute the assets of the LLC as follows:
 - i. The Defendants Bryan and Michele Storer, as creditors and pursuant to Idaho Code § 53-646 (1), shall be repaid the unpaid balance of the \$30,000.00 loan made to Med-X Mobile Labs, LLC that was in excess of the \$30,000.00 initially contributed by the Plaintiff, Colin Metler, and the \$30,000.00 initially contributed by Defendants Bryan and Michele Storer.
 - ii. The Defendants Bryan and Michele Storer, as creditors and pursuant to Idaho Code § 53-646 (1) shall be repaid the unpaid balance of overhead expenses paid for and in behalf of Med-X Mobile Labs, LLC which are proven to the receiver to have been reasonably related to Med-X and have actually come from the Storer's personal funds. In addition, the receiver shall determine whether any expenditures from Med-X funds or accounts were for any purposes other than reasonable and necessary Med-X expenses or operating costs. If any such

determination is made, the receiver shall identify the party making the expenditure, whether made by the party or her representative. The dollar amount of any such determination shall be added to the assets of Med-X for the purposes of determining the remaining assets of Med-X as set forth in paragraph iv below, and the party responsible for the unreasonable and unnecessary expense shall have his/her share of the remaining assets pursuant to paragraph iv below decreased by the amount of any such expenditure, and the share of the other party shall be increased by the amount of any such expenditure.

iii. Pursuant to Idaho Code § 53-646 (3), the members shall be paid the balance of their initial contribution to the purchase of the business assets unit equaling \$30,000.00 each, if sufficient assets remain. If insufficient assets remain to pay the members the full amount of the initial contribution, the remaining funds shall be distributed equally between the members.

iv. Any remaining assets shall be distributed to the members equally.

- b. Have authority to seize control of any and all LLC bank accounts.
- c. Receive and deposit all monies collected by Med-X and administer and manage med-X accounts receivable and accounts payable.

- d. Require an accounting of receivables from all parties and members as well as Jeffery Metler and Bryan Storer.
- e. Receive and hold in trust the title to the mobile x-ray unit.
- f. Arrange for the sale of the mobile x-ray unit to a buyer at a fair market price.
- g. Have authority to make necessary payments regarding the insuring of the mobile x-ray unit until such time as the unit is sold.
- h. Have the authority to pay Pam Judy for the time and expense in collecting account receivables and, at the sole discretion of the receiver, pay Richard Christy for his time and services rendered for original work produced by Richard Christy.
- i. Obtain copies of all the reports "produced" by Richard Christy.
- j. Have authority to seize control of the original master discs of reports written by Defendant Bryan Storer that were sent to Jeffrey Metler by Defendant Bryan Storer, whether they be in possession of Jeffrey Metler or Richard Christie.
 - i. If such discs no longer exist, the receiver shall have authority to demand computer downloads of said reports from Richard Christy and/or Jeffrey Metler.
- k. Obtain the master x-ray tapes and provide copies to the parties as may be requested.

1. Have authority to deliver reports and/or duplicates of x-ray tapes to physicians and/or attorneys who have requested said reports or tapes.
4. That the receiver's determinations, distributions of assets, and repayments be a final determination regarding said distribution of money and assets for Med-X Mobile Labs, LLC and the parties.

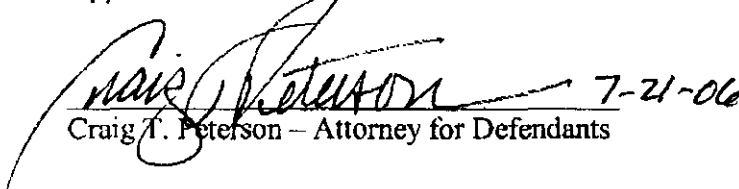
DATED this 16 day of Aug 2006.

BY THE COURT

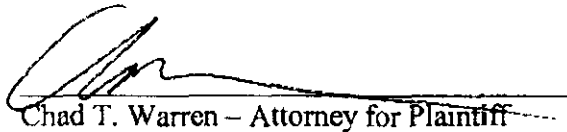


Judge Tena Campbell

Approved as to Form:



7-21-06
Craig T. Peterson – Attorney for Defendants



Chad T. Warren – Attorney for Plaintiff

Prepared and submitted by:

STEVEN W. CALL (5260)
BENJAMIN J. KOTTER (9592)
RAY QUINNEY & NEBEKER P.C.
36 South State Street, Suite 1400
P.O. Box 45385
Salt Lake City, Utah 84145-0385
Telephone: (801) 532-1500
Telefax: (801) 532-7543

Attorneys for Duckhunt Family Limited Partnership

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 17 2006

MARKUS B. ZIMMER, CLERK
BY _____
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

OLD STANDARD LIFE INSURANCE
COMPANY IN REHABILITATION, GARY
SMITH, Director of the State of Idaho
Department of Insurance, in His Capacity as
Rehabilitator of Old Standard Life Insurance
Company in Rehabilitation, OLD WEST
ANNUITY & LIFE INSURANCE
COMPANY IN REHABILITATION, and
CHRISTINA URIAS, Director of the State of
Arizona Department of Insurance in Her
Capacity as Receiver of Old West Annuity &
Life Insurance Company in Rehabilitation,

Plaintiffs,

v.

DUCKHUNT FAMILY LIMITED
PARTNERSHIP, a Nevada limited
partnership,

Defendant.

**ORDER EXTENDING TIME TO
RESPOND TO THIRD PARTY
DEFENDANT LAWYERS TITLE
INSURANCE CORPORATION'S
MOTION FOR SUMMARY JUDGMENT
PENDING MEDIATION**

Civil No. 2:05CV00536

(filed electronically)

Hon. Paul G. Cassell

DUCKHUNT FAMILY LIMITED
PARTNERSHIP, a Nevada limited
partnership,

Counter-plaintiff,

v.

OLD STANDARD LIFE INSURANCE
COMPANY IN REHABILITATION, GARY
SMITH, Director of the State of Idaho
Department of Insurance, in His Capacity as
Rehabilitator of Old Standard Life Insurance
Company in Rehabilitation, OLD WEST
ANNUITY & LIFE INSURANCE
COMPANY IN REHABILITATION, and
CHRISTINA URIAS, Director of the State of
Arizona Department of Insurance in Her
Capacity as Receiver of Old West Annuity &
Life Insurance Company in Rehabilitation,

Counter-defendants,

and

AMERICA WEST TITLE AGENCY, INC., a
Utah Corporation, LAWYERS TITLE
INSURANCE CORPORATION, a Virginia
Corporation and JOHN DOES 1-5,

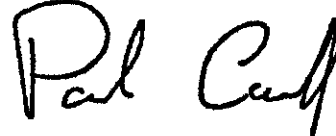
Third-party defendants.

The parties, Defendant / Counterclaim Plaintiff Duckhunt Family Limited Partnership ("Duckhunt") and Third Party Defendant, Lawyers Title Insurance Company having entered into a Stipulation and Joint Motion to Extend Time to respond to Third Party Defendant Lawyers Title Insurance Corporation's Motion for Summary Judgment Pending Mediation, and for good cause otherwise appearing:

IT IS HEREBY ORDERED that the time for Duckhunt to respond to Third Party Defendant Lawyers Title Insurance Corporation's Motion for Summary Judgment is hereby extended until September 15, 2006.

DATED this 16TH day of AUGUST, 2006.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Paul Gasser". The signature is written in a cursive, somewhat stylized font. The first name "Paul" is written in a larger, more prominent script, and "Gasser" follows in a similar but slightly smaller script. The signature is positioned above a horizontal line.

PAUL G. GASSER
U.S. DISTRICT COURT

CERTIFICATE OF MAILING

I hereby certify that on the 15th day of August, 2006, a true and correct copy of the foregoing
[PROPOSED] ORDER EXTENDING TIME TO RESPOND TO THIRD PARTY
DEFENDANT LAWYERS TITLE INSURANCE CORPORATION'S MOTION FOR
SUMMARY JUDGMENT PENDING MEDIATION was served via first class mail, postage
prepaid, to:

Leslie Van Frank
Julie A. Bryan
COHNE, RAPPAPORT & SEGAL, P.C.
257 East 200 South, Suite 700
P.O. Box 11008
Salt Lake City, Utah 84147

John P. Harrington
Katherine Norman
HOLLAND & HART, LLP
60 E. South Temple, #2000
Salt Lake City, Utah 84111

Adam S. Affleck
Prince Yeates & Geldzahler
175 East 400 South, #900
SLC, UT 84111

David J. Winder
John W. Holt
WINDER & HASLAM
175 West 200 South, #400
P.O. Box 2668
Salt Lake City, Utah 84110-2668

Kenneth A. Rushton
99 West Main Street #202
Lehi, UT 84043

/s/ Carrie A. Watters

887447

APRIL L. HOLLINGSWORTH (Bar No. 9391)
ERIK STRINDBERG (Bar No. 4154)
STRINDBERG & SCHOLNICK, LLC
426 North 300 West
Salt Lake City, Utah 84103
Telephone: 801-359-4169
Attorneys for Plaintiff Jennifer Richards

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

JENNIFER RICHARDS,

Plaintiff,

vs.

CONVERGYS CORPORATION,

Defendant.

**EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION**
Plaintiff

vs.

CONVERGYS CORPORATION,

Defendant

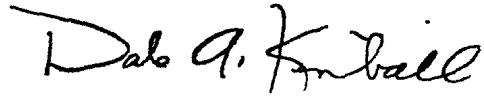
**PROPOSED ORDER GRANTING
PLAINTIFFS' MOTION FOR
EXTENSION OF TIME TO
CONDUCT DISCOVERY**

Case No. 2:05 CV00790 DAK
(consolidated with 2:05 CV00812)

Judge Dale A. Kimball

Based on the Plaintiffs' Motion to Extend Time to Conduct Discovery, and good cause appearing therefore, IT IS ORDERED that the deadline for discovery in this case is extended for three months, to December 15, 2006.

DATED August 17th, 2006.



Judge Dale A. Kimball

United States District Court Judge

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

IDAHO TECHNOLOGY, INC., and
UNIVERSITY OF UTAH RESEARCH
FOUNDATION,

Plaintiffs,

vs.

CEPHEID,

Defendant.

CEPHEID,

Counterclaimant,

vs.

IDAHO TECHNOLOGY, INC., and
UNIVERSITY OF UTAH RESEARCH
FOUNDATION,

Counterclaim Defendants.

SCHEDULING ORDER

Civil No. 2:05CV01063 TS

The Honorable Judge Ted Stewart

Magistrate Judge Samuel Alba

Pursuant to Fed.R. Civ P. 16(b), the Magistrate Judge received the Attorneys' Planning Report filed by counsel. Counsel also submitted a draft scheduling order which is greatly appreciated. The following matters are scheduled. The times and deadlines set forth herein may not be modified without the approval of the Court and on a showing of good cause.

IT IS ORDERED that no Initial Pretrial Hearing shall be set in this matter.

ALL TIMES 4:30 PM UNLESS INDICATED

1.	PRELIMINARY MATTERS	DATE
a.	Was Rule 26(f)(1) Conference held?	Yes 08/10/06
b.	Has Attorney Planning Meeting Form been submitted?	Yes 08/14/06
c.	Was 26(a)(1) initial disclosure completed?	No 09/01/06

2.	DISCOVERY LIMITATIONS	NUMBER
a.	Maximum Number of Depositions by Plaintiff(s)	15
b.	Maximum Number of Depositions by Defendant(s)	15
c.	Maximum Number of Hours for Each Deposition (unless extended by agreement of parties)	7
d.	Maximum Interrogatories by any Party to any Party	35
e.	Maximum requests for admissions by any Party to any Party (excluding those re authentication of documents)	50
f.	Maximum requests for production by any Party to any Party	Unlimited
3.	AMENDMENT OF PLEADINGS/ADDING PARTIES ¹	DATE
a.	Last Day to File Motion to Amend Pleadings	02/05/07
b.	Last Day to File Motion to Add Parties	02/05/07
4.	RULE 26(a)(2) REPORTS FROM EXPERTS ²	DATE
a.	Issues on which parties have burden of proof	07/17/07
b.	Rebuttal reports	08/13/07
c.	Surrebuttal reports	08/24/07
5.	OTHER DEADLINES	DATE
a.	Discovery to be completed by:	
	Fact discovery	07/13/07
	Expert discovery	09/07/07
b.	(optional) Final date for supplementation of disclosures and discovery under Rule 26 (e)	N/A
c.	Deadline for filing dispositive or potentially dispositive motions	09/11/07

6.	SETTLEMENT/ALTERNATIVE DISPUTE RESOLUTION	DATE
a.	Referral to Court-Annexed Mediation:	No
b.	Referral to Court-Annexed Arbitration	No
c.	Evaluate case for Settlement/ADR on	06/20/07
d.	Settlement probability:	Fair

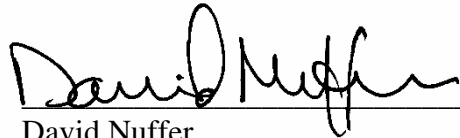
7.	TRIAL AND PREPARATION FOR TRIAL	TIME	DATE
a.	Rule 26(a)(3) Pretrial Disclosures ³		
	Plaintiff		12/7/07
	Defendant		12/21/07
b.	Objections to Rule 26(a)(3) Disclosures (if different than 14 days provided in Rule)		As per rules
c.	Special Attorney Conference ⁴ on or before		1/4/08
d.	Settlement Conference ⁵ on or before		1/18/08
e.	Final Pretrial Conference	<u>2:30 p.m.</u>	<u>2/1/08</u>
f.	Jury Trial	10 days	<u>8:30 a.m.</u> <u>2/11/08</u>

8.	OTHER MATTERS	
a.	Counsel should contact chambers staff of the District Judge regarding Daubert and motions to determine the desired process for filing and hearing of such motions. All such motions, including Motions in Limine should be filed well in advance of the Final Pre Trial. Unless otherwise directed by the court, any challenge to the qualifications of an expert or the reliability of expert testimony under Daubert must be raised by written motion before the final pre-trial conference.	
b.	Infringement & Invalidity Claim Charts	
	Plaintiffs' Preliminary Infringement List (as per Report ¶3(a))	09/01/06
	Defendant's Accused Device Production (as per Report ¶3(b))	09/25/06
	Plaintiffs' Initial Infringement Claim Chart (as per Report ¶3(c))	10/25/06
	Defendant's Initial Prior Art Claim Chart (as per Report ¶3(d))	11/30/06

Defendant's Responsive Claim Chart as to Infringement (as per Report ¶3(e))	11/30/06
Plaintiffs' Responsive Claim Chart as to Prior Art (as per Report ¶3(f))	01/02/07
Plaintiffs' Doctrine of Equivalents Statement (as per Report ¶3(g))	01/02/07
c. Markman Procedures	
Plaintiffs' Opening Claim Construction Brief and Supporting Evidence	01/16/07
Defendant's Responsive Claim Construction Brief and Supporting Evidence	02/15/07
Plaintiffs' Reply Claim Construction Brief and Rebuttal Evidence	02/28/07
Markman Hearing	As soon as possible after 03/01/07

Dated this 16th date of August, 2006.

BY THE COURT:



David Nuffer
U.S. Magistrate Judge

¹ The Magistrate Judge completed Initial Pretrial Scheduling under DUCivR 16-1(b) and DUCivR 72-2(a)(5). The name of the Magistrate Judge who completed this order should NOT appear on the caption of future pleadings, unless the case is separately referred to that Magistrate Judge. A separate order may refer this case to a Magistrate Judge under DUCivR 72-2 (b) and 28 USC 636 (b)(1)(A) or DUCivR 72-2 (c) and 28 USC 636 (b)(1)(B). The name of any Magistrate Judge to whom the matter is referred under DUCivR 72-2 (b) or (c) should appear on the caption as required under DUCivR10-1(a).

¹ Counsel must still comply with the requirements of Fed. R. Civ. P. 15(a).

¹ The identity of experts and the subject of their testimony shall be disclosed as soon as an expert is retained or, in the case of an employee-expert, as soon as directed to prepare a report.

¹ Any demonstrative exhibits or animations must be disclosed and exchanged with the 26(a)(3) disclosures.

¹ The Special Attorneys Conference does not involve the Court. Counsel will agree on voir dire questions, jury instructions, a pre-trial order and discuss the presentation of the case. Witnesses will be scheduled to avoid gaps and disruptions. Exhibits will be marked in a way that does not result in duplication of documents. Any special equipment or courtroom arrangement requirements will be included in the pre-trial order.

¹ The Settlement Conference does not involve the Court unless a separate order is entered. Counsel must ensure that a person or representative with full settlement authority or otherwise authorized to make decisions regarding settlement is available in person or by telephone during the Settlement Conference.

¹ Counsel must still comply with the requirements of Fed. R. Civ. P. 15(a).

² **Error! Main Document Only.** A party shall disclose the identity of each testifying expert and the subject of each such expert's testimony at least 60 days before the deadline for expert reports from that party. This disclosure shall be made even if the testifying expert is an employee from whom a report is not required..

³ Any demonstrative exhibits or animations must be disclosed and exchanged with the 26(a)(3) disclosures.

⁴ The Special Attorneys Conference does not involve the Court. Counsel will agree on voir dire questions, jury instructions, a pre-trial order and discuss the presentation of the case. Witnesses will be scheduled to avoid gaps and disruptions. Exhibits will be marked in a way that does not result in duplication of documents. Any special equipment or courtroom arrangement requirements will be included in the pre-trial order.

⁵ The Settlement Conference does not involve the Court unless a separate order is entered. Counsel must ensure that a person or representative with full settlement authority or otherwise authorized to make decisions regarding settlement is available in person or by telephone during the Settlement Conference.

FILED

CLERK, U.S. DISTRICT COURT

August 17, 2006 (9:23am)

DISTRICT OF UTAH

United States District Court

CENTRAL DISTRICT OF UTAH

UNITED STATES OF AMERICA
v.

ORDER SETTING CONDITIONS OF RELEASE

ERIC VASQUEZ

Case Number: 2:06-CR-6 TC

IT IS SO ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local or tribal law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing of any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed

as directed. The defendant shall next appear at (if blank, to be notified)

PLACE

on

DATE AND TIME

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- (✓) (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- () (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of

dollars (\$)

in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- () (6) The defendant is placed in the custody of:
(Name of person or organization)
(Address)
(City and state) (Tel.No.)

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____
Custodian or Proxy

(✓)(7) The defendant shall:

- () (a) maintain or actively seek employment.
- () (b) maintain or commence an educational program.
- (✓)(c) abide by the following restrictions on his personal associations, place of abode, or travel:
maintain residence at Cornell Community Corrections Center under 24 hour supervision.
- () (d) avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses:
- (✓)(e) report on a regular basis to the supervising officer as directed.
- () (f) comply with the following curfew:
- () (g) refrain from possessing a firearm, destructive device, or other dangerous weapon.
- () (h) refrain from excessive use of alcohol.
- (✓)(i) refrain from any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C. §802 unless prescribed by a licensed medical practitioner.
- () (j) undergo medical or psychiatric treatment and/or remain in an institution, as follows:
- () (k) execute a bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property
- () (l) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described money:
- () (m) execute a bail bond with solvent sureties in the amount of \$
- () (n) return to custody each (week)day as of _____ o'clock after being released each (week)day as of _____ o'clock for employment, schooling or the following limited purpose(s):
- () (o) surrender any passport to
- () (p) obtain no passport
- (✓)(q) the defendant will submit to drug/alcohol testing as directed by the pretrial office. If testing reveals illegal drug use, the defendant shall participate in drug and/or alcohol abuse treatment, if deemed advisable by supervising officer.
- () (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the supervising officer.
- () (s) submit to an electronic monitoring program as directed by the supervising officer.
- () (t)

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both.
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in additions to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.



Signature of Defendant

Address

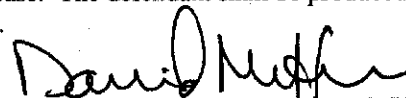
City and State

Telephone

Directions to the United States Marshal

- ☒ The defendant is ORDERED released after processing.
- ☐ The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: August 15, 2006



Signature of Judicial Officer

Magistrate Judge David Nuffer

Name and Title of Judicial Officer

UNITED STATES DISTRICT COURT

Central

District of

UNITED STATES OF AMERICA

V.

Horacio Gonzalez

JUDGMENT IN A CRIMINAL CASE

Case Number: DUTX 2:06CR0000529001

USM Number: 13256-081

Carlos Garcia

Defendant's Attorney

FILED IN UNITED STATES DISTRICT
COURT DISTRICT OF UTAH
AUG 16 2006
BY MARKUS B. ZIMMER, CLERK
DEPUTY CLERK
Utah

THE DEFENDANT:

☒ pleaded guilty to count(s) 1 - indictment

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
8USC§1326	Re-Entry of Previously Removed Alien		1

The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

8/15/2006

Date of Imposition of Judgment

Dee Benson

Signature of Judge

Dee Benson

Name of Judge

U.S. District Judge

Title of Judge

8-16-2006

Date

DEFENDANT: Horacio Gonzalez
CASE NUMBER: DUTX 2:06CR0000529001

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

30 months.

☒ The court makes the following recommendations to the Bureau of Prisons:

The Court recommends a Federal Correctional Institution in Arizona, for family visitations.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Horacio Gonzalez
CASE NUMBER: DUTX 2:06CR0000529001

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

24 months.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Horacio Gonzalez

CASE NUMBER: DUTX 2:06CR0000529001

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall not reenter the United States illegally. In the event that the defendant should be released from confinement without being deported, he shall contact the United States Probation Office in the district of release within 72 hours of release. If the defendant returns to the United States during the period of supervision after being deported, he is instructed to contact the United States Probation Office in the District of Utah within 72 hours of his arrival in the United States.

CRIMINAL MONETARY PENALTIES

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Horacio Gonzalez
CASE NUMBER: DUTX 2:06CR0000529001

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Pages 7 - 10

are the

Statement of Reasons,
which will be docketed
separately as a sealed
document

UNITED STATES DISTRICT COURT

AUG 16 2006

Central

District of

MARKUS B. ZIMMER, CLERK
BY DEPUTY CLERK

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

Teo Boskailo

Case Number: DUTX 2:06CR000042-001

USM Number: 13516-081

Viviana Ramirez

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 1 of the Indictment

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 USC § 922(j)	Possession of a Stolen Firearm		1

The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

8/14/2006

Date of Imposition of Judgment

Tena Campbell

Signature of Judge

Tena Campbell

Name of Judge

District Court Judge

Title of Judge

8-16-2006

Date

DEFENDANT: Teo Boskailo
CASE NUMBER: DUTX 2:06CR000042-001

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

12 Months

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Teo Boskailo
CASE NUMBER: DUTX 2:06CR000042-001

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

36 Months

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Teo Boskailo

CASE NUMBER: DUTX 2:06CR000042-001

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant will submit to drug testing as directed by the probation office. If the defendant tests positive he shall participate in drug abuse treatment under a copayment plan as directed by the United States Probation Office.
2. The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, vocational training, seeking employment or other acceptable reasons.
3. The defendant shall participate in mental health counseling or treatment as directed by the probation office. If medication is prescribed during treatment or from an evaluation the defendant will take all prescribed medicines.
4. If deported, the defendant shall not illegally reenter the United States.

DEFENDANT: Teo Boskallo

CASE NUMBER: DUTX 2:06CR000042-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$	\$

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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TOTALS	\$ 0.00	\$ 0.00	
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☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Teo Boskailo
CASE NUMBER: DUTX 2:06CR000042-001

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Pages 7 - 10

are the

Statement of Reasons,
which will be docketed
separately as a sealed
document

FILED IN UNITED STATES DISTRICT
COURT DISTRICT OF UTAH

UNITED STATES DISTRICT COURT

AUG 16 2006
MARKUS B. ZIMMER, CLERK
DEPUTY CLERK

Central

District of

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

Nelson Martinez-Sanchez

Case Number: DUTX 2:06CR000102-001

USM Number:

Robert Hunt

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) I-Indictment

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
8USC§1326	Re-Entry of Previously Removed Alien		1

The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

8/10/2006

Date of Imposition of Judgment

Dee Benson

Signature of Judge

Dee Benson

U.S. District Judge

Name of Judge

Title of Judge

August 15, 2006

Date

DEFENDANT: Nelson Martinez-Sanchez
CASE NUMBER: DUTX 2:06CR000102-001

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

37 months.

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Nelson Martinez-Sanchez
CASE NUMBER: DUTX 2:06CR000102-001

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

36 months.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☐ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☐ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Nelson Martínez-Sanchez
CASE NUMBER: DUTX 2:06CR000102-001

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall not reenter the United States illegally. In the event that the defendant should be released from confinement without being deported, he shall contact the United States Probation Office in the district of release within 72 hours of release. If the defendant returns to the United States during the period of supervision after being deported, he is instructed to contact the United States Probation Office in the District of Utah within 72 hours of his arrival in the United States.

CRIMINAL MONETARY PENALTIES

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$	\$

- If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100	101	102	103	104	105	106	107	108	109	110	111	112	113	114	115	116	117	118	119	120	121	122	123	124	125	126	127	128	129	130	131	132	133	134	135	136	137	138	139	140	141	142	143	144	145	146	147	148	149	150	151	152	153	154	155	156	157	158	159	160	161	162	163	164	165	166	167	168	169	170	171	172	173	174	175	176	177	178	179	180	181	182	183	184	185	186	187	188	189	190	191	192	193	194	195	196	197	198	199	200	201	202	203	204	205	206	207	208	209	210	211	212	213	214	215	216	217	218	219	220	221	222	223	224	225	226	227	228	229	230	231	232	233	234	235	236	237	238	239	240	241	242	243	244	245	246	247	248	249	250	251	252	253	254	255	256	257	258	259	260	261	262	263	264	265	266	267	268	269	270	271	272	273	274	275	276	277	278	279	280	281	282	283	284	285	286	287	288	289	290	291	292	293	294	295	296	297	298	299	300	301	302	303	304	305	306	307	308	309	310	311	312	313	314	315	316	317	318	319	320	321	322	323	324	325	326	327	328	329	330	331	332	333	334	335	336	337	338	339	340	341	342	343	344	345	346	347	348	349	350	351	352	353	354	355	356	357	358	359	360	361	362	363	364	365	366	367	368	369	370	371	372	373	374	375	376	377	378	379	380	381	382	383	384	385	386	387	388	389	390	391	392	393	394	395	396	397	398	399	400	401	402	403	404	405	406	407	408	409	410	411	412	413	414	415	416	417	418	419	420	421	422	423	424	425	426	427	428	429	430	431	432	433	434	435	436	437	438	439	440	441	442	443	444	445	446	447	448	449	450	451	452	453	454	455	456	457	458	459	460	461	462	463	464	465	466	467	468	469	470	471	472	473	474	475	476	477	478	479	480	481	482	483	484	485	486	487	488	489	490	491	492	493	494	495	496	497	498	499	500	501	502	503	504	505	506	507	508	509	510	511	512	513	514	515	516	517	518	519	520	521	522	523	524	525
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TOTALS	\$	0.00	\$	0.00
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- * Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Nelson Martinez-Sanchez
CASE NUMBER: DUTX 2:06CR000102-001

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Pages 7 - 10

are the

Statement of Reasons,
which will be docketed
separately as a sealed
document

RECEIVED

FILED IN UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

IN THE UNITED STATES DISTRICT COURT

AUG 14 2006 AUG 16 2006

DISTRICT OF UTAH, CENTRAL DIVISION

OFFICE OF MARKUS B. ZIMMER, CLERK

~~JUDGE TENA CAMPBELL~~ CLERK

UNITED STATES OF AMERICA,

Plaintiff,

-VS-

EUSEBIO MONTALVO-MALDONADO,

Defendant.

**ORDER TO CONTINUE CHANGE OF
PLEA HEARING**

Case No. 2:06 CR 0104 TC

Based on the motion filed by the defendants and good cause appearing,

IT IS HEREBY ORDERED:

The Change of Plea hearing in the above case is continued and will be scheduled for the
7th day of September, 2006 at 2:00 p.m..

DATED this 16 day of August, 2006.

BY THE COURT:

Tena Campbell

HONORABLE TENA CAMPBELL
United States District Court Judge

UNITED STATES DISTRICT COURT

Central

District of

UNITED STATES OF AMERICA

V.

Rodrigo Lopez-Gonzalez

JUDGMENT IN A CRIMINAL CASE

Case Number: DUTX 2:06CR000148-001

USM Number: 13477-081

L. Clark Donaldson

Defendant's Attorney

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 16 2006

MARKUS B. ZIMMER, CLERK
DEPUTY CLERK

THE DEFENDANT:

☒ pleaded guilty to count(s) 1-Indictment

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
8USC§1326	Re-Entry of Previously Removed Alien		1

The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☐ Count(s) _____ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

8/14/2006

Date of Imposition of Judgment

Signature of Judge

Dee Benson

Name of Judge

U.S. District Judge

Title of Judge

Date

August 15, 2006

DEFENDANT: Rodrigo Lopez-Gonzalez
CASE NUMBER: DUTX 2:06CR000148-001

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

18 months.

☒ The court makes the following recommendations to the Bureau of Prisons:

The Court recommends a Federal Correctional Institution in the Arizona area, for family visitations.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Rodrigo Lopez-Gonzalez
CASE NUMBER: DUTX 2:06CR000148-001

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

36 months.

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Rodrigo Lopez-Gonzalez
CASE NUMBER: DUTX 2:06CR000148-001

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant shall not reenter the United States illegally. In the event that the defendant should be released from confinement without being deported, he shall contact the United States Probation Office in the district of release within 72 hours of release. If the defendant returns to the United States during the period of supervision after being deported, he is instructed to contact the United States Probation Office in the District of Utah within 72 hours of his arrival in the United States.

DEFENDANT: Rodrigo Lopez-Gonzalez
CASE NUMBER: DUTX 2:06CR000148-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$	\$

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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TOTALS	\$ <u>0.00</u>	\$ <u>0.00</u>
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☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Rodrigo Lopez-Gonzalez
CASE NUMBER: DUTX 2:06CR000148-001

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Pages 7 - 10

are the

Statement of Reasons,
which will be docketed
separately as a sealed
document

FILED IN UNITED STATES DISTRICT COURT, DISTRICT OF UTAH

AUG 15 2006

MARKUS B. ZIMMER, CLERK
DEPUTY CLERK

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF UTAH

RECEIVED CLERK

JUL 26 2006

U.S. DISTRICT COURT

UNITED STATES OF AMERICA,
Plaintiff

v.

JESSICA ROBINSON,
Defendant

:

:

:

: ORDER FOR PRO HAC VICE ADMISSION

:

:

:

: Case Number 2:06 CR 00149 DB

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCiv R 83-1.1(d), the motion for the admission pro hac vice of Erick Ferran, Esq. in the United States District Court, District of Utah in the subject case is GRANTED.

Dated: this 16th day of August, 20 06.

Dee Benson

U.S. District Judge

FEE PAID

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 16 2006

MARKUS B. ZIMMER, CLERK
BY DEPUTY CLERK

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF UTAH

RECEIVED CLERK

JUL 26 2006

U.S. DISTRICT COURT

UNITED STATES OF AMERICA,
Plaintiff

v.

JESSICA ROBINSON,
Defendant

:
:
:
:
:
:
:

ORDER FOR PRO HAC VICE ADMISSION

: Case Number 2:06 CR 00149 DB

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCiv R 83-1.1(d), the motion for the admission pro hac vice of Anthony P. Sgro, Esq. in the United States District Court, District of Utah in the subject case is GRANTED.

Dated: this 16th day of August, 2006.

Dee Benson

U.S. District Judge

FEE PAID

UNITED STATES DISTRICT COURT

AUG 16 2006

Central

District of

MARKUS B. ZIMMER, CLERK
BY Utah DEPUTY CLERK

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

V.

Eltan Verle Vanostrand

Case Number: DUTX 2:06CR000153-001

USM Number: 13496-081

Viviana Ramirez

Defendant's Attorney

THE DEFENDANT:

☒ pleaded guilty to count(s) 1 of the Indictment

☐ pleaded nolo contendere to count(s) _____
which was accepted by the court.

☐ was found guilty on count(s) _____
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
18 USC § 922(g)(1)	Felon in Possession of a Firearm		1

The defendant is sentenced as provided in pages 2 through 10 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) _____

☒ Count(s) 2-3 of the Indictment ☐ is ☒ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

8/10/2006

Date of Imposition of Judgment

Tena Campbell

Signature of Judge

Tena Campbell

Name of Judge

District Court Judge

Title of Judge

8-16-2006

Date

DEFENDANT: Elton Verle Vanostrand
CASE NUMBER: DUTX 2:06CR000153-001

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of:

33 Months, which shall run concurrent with pending Utah State Court Charges in Cases #051400314 , #031101746 AND #061400827.

☒ The court makes the following recommendations to the Bureau of Prisons:

The Court recommends the defendant participate in the RDAP program and vocational programs, while incarcerated. The Court also recommends the defendant serve his sentence at FCI Sheridan, OR.

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Elton Verle Vanostrand
CASE NUMBER: DUTX 2:06CR000153-001

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of :

24 Months

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.

- ☐ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse. (Check, if applicable.)
- ☒ The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. (Check, if applicable.)
- ☒ The defendant shall cooperate in the collection of DNA as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer. (Check, if applicable.)
- ☐ The defendant shall participate in an approved program for domestic violence. (Check, if applicable.)

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court; and
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: Elton Verle Vanostrand
CASE NUMBER: DUTX 2:06CR000153-001

SPECIAL CONDITIONS OF SUPERVISION

1. The defendant will submit to drug/alcohol testing as directed by the probation office, and pay a one-time \$115 fee to partially defray the costs of collection and testing.
2. The defendant shall participate in drug and/or alcohol abuse treatment under a copayment plan as directed by the probation office.
3. The defendant shall submit his person, residence, office or vehicle to a search, conducted by a USPO at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release; failure to submit to a search may be grounds for revocation; the defendant shall warn any other residents that the premises may be subject to searches pursuant to this condition.

DEFENDANT: Elton Verle Vanostrand
CASE NUMBER: DUTX 2:06CR000153-001

CRIMINAL MONETARY PENALTIES

The defendant must pay the total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTALS	\$ 100.00	\$	\$

☐ The determination of restitution is deferred until _____. An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.

☐ The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority or Percentage</u>
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TOTALS	\$ <u>0.00</u>	\$ <u>0.00</u>
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☐ Restitution amount ordered pursuant to plea agreement \$ _____

☐ The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:

☐ the interest requirement is waived for the ☐ fine ☐ restitution.

☐ the interest requirement for the ☐ fine ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Elton Verle Vanostrand
CASE NUMBER: DUTX 2:06CR000153-001

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than _____, or
☐ in accordance ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal _____ (e.g., weekly, monthly, quarterly) installments of \$ _____ over a period of _____ (e.g., months or years), to commence _____ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within _____ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Pages 7 - 10

are the

Statement of Reasons,
which will be docketed
separately as a sealed
document

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 16 2006


BY MARKUS B. ZIMMER, CLERK
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

UNITED STATES OF AMERICA,	:	2:06cr00283 JTG
Plaintiff,	:	
vs.	:	ORDER GRANTING MOTION FOR CONTINUANCE
ALAN EMIL SPATZ,	:	
Defendant.	:	

Based upon the motion of the United States of America, and for good cause appearing, the Court hereby grants Government's Motion to Continue the Sentencing in the above referenced case, currently scheduled for September 14, until October 10, 2006, at 10:00 a.m., 2006.

DATED this 16th day of August, 2006.


J. THOMAS GREENE
United States District Judge

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH CENTRAL DIVISION

USA <div style="text-align:right">Plaintiff,</div> <div style="text-align:center">vs.</div> <div style="text-align:left">Sang Tang</div> <div style="text-align:right">Defendant.</div>	Order Directing Briefing in Advance of Motion Hearing <div style="text-align:center">and</div> NOTICE OF HEARING Case No. 2:06-cr-00353 PGC
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Counsel for the United States is **directed to file, ten days in advance of the motion to suppress hearing set for 09/13/2006 at 10:30 am**, a statement of facts that it anticipates will emerge at the hearing, and cases supporting admission of the challenged evidence. This filing shall contain, at least, a chronology of events sufficient to permit defense counsel and the Court to prepare in advance for the factual and legal issues that are likely to emerge at the hearing. Any videotape or audiotape which the government anticipates will be admitted at the hearing shall also be submitted in advance, with notice to opposing counsel and to the court as to the salient portions of the tape. Counsel for both sides shall meet and confer before the hearing in an effort to narrow the disputed issues and avoid the summoning of unnecessary witnesses.

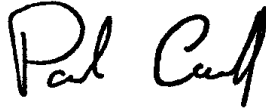
Counsel for the defendant may file a response to the filing of the United States two days in advance of the hearing. If the defendant's pleading is filed less than five days before the hearing, the defendant shall hand deliver or fax the pleading to the government and to the court.

Counsel are advised that the Court may, in its discretion, after hearing argument from counsel, rule from the bench concerning the challenged evidence, if the Court is sufficiently well advised of the facts and the law. Counsel on either side may request an opportunity to submit post-hearing, supplemental briefing on an expedited schedule on unanticipated issues that arose during the hearing.

By directing this briefing schedule, the Court hopes to facilitate rapid decision on suppression issues. The Court invites feedback from counsel on the desirability of these procedures.

SO ORDERED.

DATED this 16th day of August.

A handwritten signature in black ink, appearing to read "Paul Cassell". The signature is written in a cursive, flowing style.

Paul G. Cassell
United States District Judge

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH CENTRAL DIVISION

USA Plaintiff, vs. Russell Pikyavit Defendant.	Order Directing Briefing in Advance of Motion Hearing and NOTICE OF HEARING Case No. 2:06-cr-00407 PGC
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Counsel for the United States is **directed to file, ten days in advance of the motion to suppress hearing set for 09/13/2006 at 9:00 am**, a statement of facts that it anticipates will emerge at the hearing, and cases supporting admission of the challenged evidence. This filing shall contain, at least, a chronology of events sufficient to permit defense counsel and the Court to prepare in advance for the factual and legal issues that are likely to emerge at the hearing. Any videotape or audiotape which the government anticipates will be admitted at the hearing shall also be submitted in advance, with notice to opposing counsel and to the court as to the salient portions of the tape. Counsel for both sides shall meet and confer before the hearing in an effort to narrow the disputed issues and avoid the summoning of unnecessary witnesses.

Counsel for the defendant may file a response to the filing of the United States two days in advance of the hearing. If the defendant's pleading is filed less than five days before the hearing, the defendant shall hand deliver or fax the pleading to the government and to the court.

Counsel are advised that the Court may, in its discretion, after hearing argument from counsel, rule from the bench concerning the challenged evidence, if the Court is sufficiently well advised of the facts and the law. Counsel on either side may request an opportunity to submit post-hearing, supplemental briefing on an expedited schedule on unanticipated issues that arose during the hearing.

By directing this briefing schedule, the Court hopes to facilitate rapid decision on suppression issues. The Court invites feedback from counsel on the desirability of these procedures. **THE TRIAL SET FOR 08/21/2006 IS STRICKEN.**

SO ORDERED.

DATED this 16th day of August

A handwritten signature in black ink, appearing to read "Paul Cassell", is positioned above a horizontal line.

Paul G. Cassell
United States District Judge

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

UNITED STATES OF AMERICA,)	
)	Case No. 2:06-CR-441 PGC
Plaintiff,)	
)	
vs.)	
)	ORDER MODIFYING CONDITIONS
STEEB DON NAISBITT,)	OF RELEASE
)	
Defendant.)	

Based upon the motion of Defendant Steven Don Naisbitt, stipulation of the Special Assistant United States Attorney and the United States Probation Office, and good cause having been shown,

IT IS HEREBY ORDERED that the Defendant Steven Don Nasibitt's conditions of release to Cornell Correctional Facility be modified to allow him to take a few days off from his work release to permit him to move the belongings from his home, as directed by Pretrial Services.

DATED this 17th day of August, 2006.

BY THE COURT:



SAMUEL ALBA
United States Magistrate Judge

United States District Court

CENTRAL DISTRICT OF UTAH

UNITED STATES OF AMERICA
v.

ORDER SETTING CONDITIONS OF RELEASE

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH
AUG 02 2006
BY MARKUS B. ZIMMER, CLERK
DEPUTY CLERK

Wanda Brianne Frehner

Case Number: 2:06CR491 PGC

IT IS SO ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local or tribal law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing of any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed

as directed. The defendant shall next appear at (if blank, to be notified)

PLACE

on

DATE AND TIME

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- (✓) (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- () (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of

dollars (\$)

in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- ☐ (6) The defendant is placed in the custody of:
(Name of person or organization)
(Address)
(City and state) (Tel.No.)

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____
Custodian or Proxy

- ☒ (7) The defendant shall:

- ☒ (a) maintain or actively seek employment upon completion of the House of Hope program.
- ☐ (b) maintain or commence an educational program.
- ☒ (c) abide by the following restrictions on his personal associations, place of abode, or travel: maintain residence at the House of Hope. The defendant is to successfully complete the treatment program at the House of Hope. No change without prior permission of PTS. Travel is restricted to the state of Utah.
- ☐ (d) avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses:
- ☒ (e) report on a regular basis to the supervising officer as directed.
- ☐ (f) comply with the following curfew:
- ☐ (g) refrain from possessing a firearm, destructive device, or other dangerous weapon.
- ☐ (h) refrain from excessive use of alcohol.
- ☒ (i) refrain from any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C. §802 unless prescribed by a licensed medical practitioner.
- ☐ (j) undergo medical or psychiatric treatment and/or remain in an institution, as follows:
- ☐ (k) execute a bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property
- ☐ (l) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described money:
- ☐ (m) execute a bail bond with solvent sureties in the amount of \$
- ☐ (n) return to custody each (week)day as of _____ o'clock after being released each (week)day as of _____ o'clock for employment, schooling or the following limited purpose(s):
- ☐ (o) surrender any passport to
- ☐ (p) obtain no passport
- ☒ (q) the defendant will submit to drug/alcohol testing as directed by the pretrial office. If testing reveals illegal drug use, the defendant shall participate in drug and/or alcohol abuse treatment, if deemed advisable by supervising officer.
- ☐ (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the supervising officer.
- ☒ (s) submit to an electronic monitoring program as directed by the supervising officer.
- ☒ (t) follow all state supervision requirements and resolve state criminal matters

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both.
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in additions to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

W. Michael Zehner
Signature of Defendant

05712. 2005
Address

SEC UT. 04/02 676-0174
City and State Telephone

Directions to the United States Marshal

- () The defendant is ORDERED released after processing.
() The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: 8/2/06

Brooke C. Wells
Signature of Judicial Officer

Magistrate Judge Brooke C. Wells

Name and Title of Judicial Officer

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH CENTRAL DIVISION

USA Plaintiff, vs. Leodegario Ortuno-Cardenas Defendant.	Order Directing Briefing in Advance of Motion Hearing and NOTICE OF HEARING Case No. 2:06-cr-00492 PGC
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Counsel for the United States is **directed to file, ten days in advance of the motion to suppress hearing set for 09/12/2006 at 10:00 am**, a statement of facts that it anticipates will emerge at the hearing, and cases supporting admission of the challenged evidence. This filing shall contain, at least, a chronology of events sufficient to permit defense counsel and the Court to prepare in advance for the factual and legal issues that are likely to emerge at the hearing. Any videotape or audiotape which the government anticipates will be admitted at the hearing shall also be submitted in advance, with notice to opposing counsel and to the court as to the salient portions of the tape. Counsel for both sides shall meet and confer before the hearing in an effort to narrow the disputed issues and avoid the summoning of unnecessary witnesses.

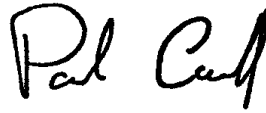
Counsel for the defendant may file a response to the filing of the United States two days in advance of the hearing. If the defendant's pleading is filed less than five days before the hearing, the defendant shall hand deliver or fax the pleading to the government and to the court.

Counsel are advised that the Court may, in its discretion, after hearing argument from counsel, rule from the bench concerning the challenged evidence, if the Court is sufficiently well advised of the facts and the law. Counsel on either side may request an opportunity to submit post-hearing, supplemental briefing on an expedited schedule on unanticipated issues that arose during the hearing.

By directing this briefing schedule, the Court hopes to facilitate rapid decision on suppression issues. The Court invites feedback from counsel on the desirability of these procedures. **THE TRIAL SET FOR 09/12/2006 IS STRICKEN.**

SO ORDERED.

DATED this 16th day of August

A handwritten signature in black ink, appearing to read "Paul Cassell". The signature is written in a cursive, flowing style.

Paul G. Cassell
United States District Judge

United States District Court

CENTRAL DISTRICT OF UTAH

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

UNITED STATES OF AMERICA

V.

ORDER SETTING **AUG 17 2006**
CONDITIONS OF RELEASE
 BY MARTINUS B. ZIMMER, CLERK
 DEPUTY CLERK

MELISSA ANNE PETERSON

Case Number: 2:06-CR-517 TC

IT IS SO ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local or tribal law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing of any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed

as directed. The defendant shall next appear at (if blank, to be notified)

United States District Court

PLACE

350 South Main

on

As Directed

DATE AND TIME

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- (✓) (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- () (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of

dollars (\$)

in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- ☐ (6) The defendant is placed in the custody of:
(Name of person or organization)
(Address)
(City and state) (Tel.No.)

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____
Custodian or Proxy

- ☒ (7) The defendant shall:
- ☒ (a) maintain or actively seek employment.
 - ☐ (b) maintain or commence an educational program.
 - ☒ (c) abide by the following restrictions on his personal associations, place of abode, or travel:
Do not change residence without prior permission of Pretrial services.
 - ☒ (d) avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses:
No contact with co-defendant
 - ☒ (e) report on a regular basis to the supervising officer as directed.
 - ☐ (f) comply with the following curfew:
 - ☒ (g) refrain from possessing a firearm, destructive device, or other dangerous weapon.
 - ☐ (h) refrain from excessive use of alcohol.
 - ☒ (i) refrain from any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C. §802 unless prescribed by a licensed medical practitioner.
 - ☐ (j) undergo medical or psychiatric treatment and/or remain in an institution, as follows:
 - ☐ (k) execute a bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property
 - ☐ (l) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described money:
 - ☐ (m) execute a bail bond with solvent sureties in the amount of \$
 - ☐ (n) return to custody each (week)day as of _____ o'clock after being released each (week)day as of _____ o'clock for employment, schooling or the following limited purpose(s):
 - ☐ (o) surrender any passport to
 - ☐ (p) obtain no passport
 - ☒ (q) the defendant will submit to drug/alcohol testing as directed by the pretrial office. If testing reveals illegal drug use, the defendant shall participate in drug and/or alcohol abuse treatment, if deemed advisable by supervising officer.
 - ☐ (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the supervising officer.
 - ☐ (s) submit to an electronic monitoring program as directed by the supervising officer.
 - ☒ (t) **Continue with all conditions of drug court.**

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both.
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

Y Melissa Peterson
Signature of Defendant

2871 W. 10545 S.
Address

S. Jordan Utah 654-3590
City and State Telephone

Directions to the United States Marshal

- (X) The defendant is ORDERED released after processing.
(X) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: 8/17/06

Samuel Alba
Signature of Judicial Officer

Chief Magistrate Judge Samuel Alba

Name and Title of Judicial Officer

FILED IN UNITED STATES DISTRICT COURT DISTRICT OF UTAH

AUG 10 2006

BY MARKUS B. ZIMMER, CLERK
DEPUTY CLERK

ORDER SETTING CONDITIONS OF RELEASE

Case Number: 2:06-CR-550 PGC *15*

- (1) The defendant shall not commit any offense in violation of federal, state or local or tribal law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing of any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed

as directed. The defendant shall next appear at (if blank, to be notified)		United States District Court
		PLACE
350 South Main	on	As Directed
		DATE AND TIME

(✓) (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.

() (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of

dollars (\$)

in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- () (6) The defendant is placed in the custody of:
 (Name of person or organization)
 (Address)
 (City and state) (Tel.No.)

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____
 Custodian or Proxy

- (✓) The defendant shall:
- (✓)(a) maintain or actively seek employment.
 - () (b) maintain or commence an educational program.
 - (✓)(c) abide by the following restrictions on his personal associations, place of abode, or travel:
 - no change of residence without approval of court.
 - travel restricted to state of Utah.
 - (✓)(d) avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses:
 - as well as all co-defendants
 - (✓)(e) report on a regular basis to the supervising officer as directed - biweekly and/or as directed.
 - () (f) comply with the following curfew:
 - (✓)(g) refrain from possessing a firearm, destructive device, or other dangerous weapon.
 - () (h) refrain from excessive use of alcohol.
 - () (i) refrain from any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C. §802 unless prescribed by a licensed medical practitioner.
 - () (j) undergo medical or psychiatric treatment and/or remain in an institution, as follows:
 - () (k) execute a bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property
 - () (l) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described money:
 - ~~() (m) execute a bail bond with solvent sureties in the amount of \$ M.P.~~
 - () (n) return to custody each (week)day as of _____ o'clock after being released each (week)day as of _____ o'clock for employment, schooling or the following limited purpose(s):
 - (✓)(o) surrender any passport to Clerk's Office by 4:00 pm Aug. 14, 2006.
 - (✓)(p) obtain no passport
 - () (q) the defendant will submit to drug/alcohol testing as directed by the pretrial office. If testing reveals illegal drug use, the defendant shall participate in drug and/or alcohol abuse treatment, if deemed advisable by supervising officer.
 - () (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the supervising officer.
 - () (s) submit to an electronic monitoring program as directed by the supervising officer.
 - () (t)

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both.
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.


Signature of Defendant

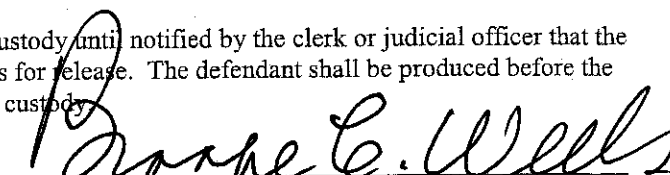
5552 BROOKRIDGE Dr #15T
Address

Murray UT 84107 580-0576
City and State Telephone

Directions to the United States Marshal

- (X) The defendant is ORDERED released after processing.
- () The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: Aug. 10, 2006


Signature of Judicial Officer

BROOKE C. WELLS
United States Magistrate Judge

Name and Title of Judicial Officer

United States District Court

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 10 3 2006

BY MARKUS B. ZIMMER, CLERK
DEPUTY CLERK

UNITED STATES OF AMERICA

V.

**ORDER SETTING
CONDITIONS OF RELEASE**

THI THO NGUYEN

Case Number: 2:06-CR-550 PGC

IT IS SO ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local or tribal law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing of any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed

as directed. The defendant shall next appear at (if blank, to be notified)

United States District Court

PLACE

350 South Main

on

As Directed

DATE AND TIME

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- (✓) (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- () (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of

dollars (\$)

in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- () (6) The defendant is placed in the custody of:
(Name of person or organization)
(Address)
(City and state) (Tel.No.)

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____

Custodian or Proxy

- (✓) The defendant shall:
- (✓)(a) maintain or actively seek employment. - *full-time employment.*
 - () (b) maintain or commence an educational program.
 - (✓)(c) abide by the following restrictions on his personal associations, place of abode, or travel:
 - no change of residence without approval of court.
 - travel restricted to state of Utah.
 - (✓)(d) avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses:
as well as all co-defendants
 - (✓)(e) report on a regular basis to the supervising officer as directed - biweekly and/or as directed.
 - () (f) comply with the following curfew:
 - (✓)(g) refrain from possessing a firearm, destructive device, or other dangerous weapon.
 - () (h) refrain from excessive use of alcohol.
 - () (i) refrain from any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C. §802 unless prescribed by a licensed medical practitioner.
 - () (j) undergo medical or psychiatric treatment and/or remain in an institution, as follows:
 - () (k) execute a bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property
 - () (l) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described money:
 - () (m) execute a bail bond with solvent sureties in the amount of \$
 - () (n) return to custody each (week)day as of _____ o'clock after being released each (week)day as of _____ o'clock for employment, schooling or the following limited purpose(s):
 - (✓)(o) surrender any passport to Clerk's Office by *4:00 pm on Mon Aug. 14, 2006*
 - (✓)(p) obtain no passport
 - () (q) the defendant will submit to drug/alcohol testing as directed by the pretrial office. If testing reveals illegal drug use, the defendant shall participate in drug and/or alcohol abuse treatment, if deemed advisable by supervising officer.
 - () (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the supervising officer.
 - () (s) submit to an electronic monitoring program as directed by the supervising officer.
 - () (t)

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both.
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in additions to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

Ulongaya
Signature of Defendant

5213 Chester - road
Address

W.V-C, UT 84120
City and State Telephone

Directions to the United States Marshal

792 2649

- ☒ The defendant is ORDERED released after processing.
- ☐ The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: Aug. 10, 2006

Brooke C. Wells
Signature of Judicial Officer

BROOKE C. WELLS
United States Magistrate Judge

Name and Title of Judicial Officer

United States District Court

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 10 8 2006

BY MARKUS B. ZIMMER, CLERK
DEPUTY CLERK

UNITED STATES OF AMERICA
v.

ORDER SETTING CONDITIONS OF RELEASE

HIEU DINH HOANG

Case Number: 2:06-CR-550 PGC - 23

IT IS SO ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local or tribal law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing of any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed

as directed. The defendant shall next appear at (if blank, to be notified)

United States District Court

PLACE

350 South Main

on

As Directed

DATE AND TIME

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- (✓) (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- () (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of

dollars (\$)

in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- () (6) The defendant is placed in the custody of:
(Name of person or organization)
(Address)
(City and state) (Tel.No.)

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____

Custodian or Proxy

- (✓) The defendant shall:
- (✓)(a) maintain or actively seek employment. - full time.
 - () (b) maintain or commence an educational program.
 - (✓)(c) abide by the following restrictions on his personal associations, place of abode, or travel:
 - no change of residence without approval of court.
 - travel restricted to state of Utah.
 - (✓)(d) avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses:
as well as all co-defendants
 - (✓)(e) report on a regular basis to the supervising officer as directed - biweekly and/or as directed.
 - () (f) comply with the following curfew:
 - (✓)(g) refrain from possessing a firearm, destructive device, or other dangerous weapon.
 - () (h) refrain from excessive use of alcohol.
 - () (i) refrain from any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C. §802 unless prescribed by a licensed medical practitioner.
 - () (j) undergo medical or psychiatric treatment and/or remain in an institution, as follows:
 - () (k) execute a bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property
 - () (l) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described money:
 - () (m) execute a bail bond with solvent sureties in the amount of \$
 - () (n) return to custody each (week)day as of _____ o'clock after being released each (week)day as of _____ o'clock for employment, schooling or the following limited purpose(s):
 - (✓)(o) surrender any passport to Clerk's Office by 4:00 pm on Mon Aug 14, 2006.
 - (✓)(p) obtain no passport
 - () (q) the defendant will submit to drug/alcohol testing as directed by the pretrial office. If testing reveals illegal drug use, the defendant shall participate in drug and/or alcohol abuse treatment, if deemed advisable by supervising officer.
 - () (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the supervising officer.
 - () (s) submit to an electronic monitoring program as directed by the supervising officer.
 - () (t)

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

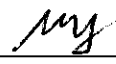
If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both.
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in additions to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.



Signature of Defendant3945 S Burningham DR 84119
AddressUTAH 972 2767 631 8397
City and State Telephone**Directions to the United States Marshal**

- (X) The defendant is ORDERED released after processing.
() The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: Aug 10, 2006

Signature of Judicial Officer**BROOKE C. WELLS**
United States Magistrate Judge_____
Name and Title of Judicial Officer

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 10 2006

**ORDER SETTING
CONDITIONS OF RELEASE**

Case Number: 2:06-CR-550 PGC — 13

in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- () (6) The defendant is placed in the custody of:
(Name of person or organization)
(Address)
(City and state) (Tel.No.)

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____
Custodian or Proxy

- (✓) The defendant shall:
- (✓)(a) maintain or actively seek employment.
 - () (b) maintain or commence an educational program.
 - (✓)(c) abide by the following restrictions on his personal associations, place of abode, or travel:
 - no change of residence without approval of court.
 - travel restricted to state of Utah.
 - (✓)(d) avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses:
as well as all co-defendants
 - (✓)(e) report on a regular basis to the supervising officer as directed - biweekly and/or as directed.
 - () (f) comply with the following curfew:
 - (✓)(g) refrain from possessing a firearm, destructive device, or other dangerous weapon.
 - () (h) refrain from excessive use of alcohol.
 - () (i) refrain from any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C. §802 unless prescribed by a licensed medical practitioner.
 - () (j) undergo medical or psychiatric treatment and/or remain in an institution, as follows:
 - () (k) execute a bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property
 - () (l) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described money:
 - (X) (m) execute a ^{cash} ~~surety~~ bond with solvent sureties in the amount of \$ 1,000 or 10,000 Surety Bond.
 - () (n) return to custody each (week)day as of _____ o'clock after being released each (week)day as of _____ o'clock for employment, schooling or the following limited purpose(s):
 - (✓)(o) surrender any passport to Clerk's Office by 4:00 Mon. Aug. 14, 2006.
 - (✓)(p) obtain no passport
 - () (q) the defendant will submit to drug/alcohol testing as directed by the pretrial office. If testing reveals illegal drug use, the defendant shall participate in drug and/or alcohol abuse treatment, if deemed advisable by supervising officer.
 - () (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the supervising officer.
 - () (s) submit to an electronic monitoring program as directed by the supervising officer.
 - () (t)

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

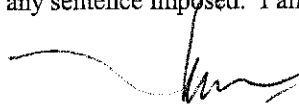
If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both.
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.



Signature of Defendant

2943W - 8380A

Address

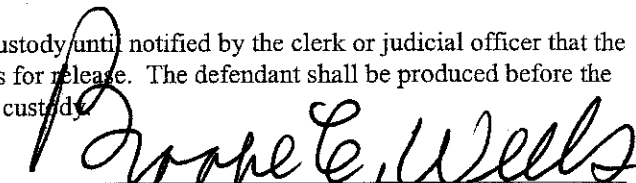
WEST JORDAN - UT 84088 - 569-9233

City and State

Telephone

Directions to the United States Marshal

- () The defendant is ORDERED released after processing.
- (X) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: Aug. 10, 2006

Signature of Judicial Officer

BROOKE C. WELLS
United States Magistrate Judge

Name and Title of Judicial Officer

United States District Court

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 10 3 2006

BY MARKUS B. ZIMMER, CLERK
DEPUTY CLERKUNITED STATES OF AMERICA
V.ORDER SETTING
CONDITIONS OF RELEASE

TRI DUNG MINH NGUYEN

Case Number: 2:06-CR-550 PGC - 14

IT IS SO ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local or tribal law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing of any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed

as directed. The defendant shall next appear at (if blank, to be notified)

United States District Court

PLACE

350 South Main

on

As Directed

DATE AND TIME

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- (✓) (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- () (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of

dollars (\$)

in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- () (6) The defendant is placed in the custody of:
 (Name of person or organization)
 (Address)
 (City and state) (Tel.No.)

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____

Custodian or Proxy

- (✓) The defendant shall:
- (✓)(a) maintain or actively seek employment.
 - () (b) maintain or commence an educational program.
 - (✓)(c) abide by the following restrictions on his personal associations, place of abode, or travel:
 - no change of residence without approval of court.
 - travel restricted to state of Utah.
 - (✓)(d) avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses: as well as all co-defendants
 - (✓)(e) report on a regular basis to the supervising officer as directed - biweekly and/or as directed.
 - () (f) comply with the following curfew:
 - (✓)(g) refrain from possessing a firearm, destructive device, or other dangerous weapon.
 - () (h) refrain from excessive use of alcohol.
 - () (i) refrain from any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C. §802 unless prescribed by a licensed medical practitioner.
 - () (j) undergo medical or psychiatric treatment and/or remain in an institution, as follows:
 - () (k) execute a bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property
 - () (l) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described money:
 - (✓)(m) execute a ^{cash} ~~bar~~ bond with solvent sureties in the amount of \$1,000 or 10,000 Surety Bond
 - () (n) return to custody each (week)day as of _____ o'clock after being released each (week)day as of _____ o'clock for employment, schooling or the following limited purpose(s):
 - (✓)(o) surrender any passport to Clerk's Office by 4:00 Aug. 14, 2006
 - (✓)(p) obtain no passport
 - () (q) the defendant will submit to drug/alcohol testing as directed by the pretrial office. If testing reveals illegal drug use, the defendant shall participate in drug and/or alcohol abuse treatment, if deemed advisable by supervising officer.
 - () (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the supervising officer.
 - () (s) submit to an electronic monitoring program as directed by the supervising officer.
 - () (t)

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

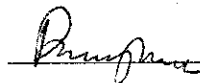
If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both.
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in additions to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.



Signature of Defendant

3718 S 3760 W

Address

WEST VALLEY

City and State

UTAH 84120

Telephone

Directions to the United States Marshal

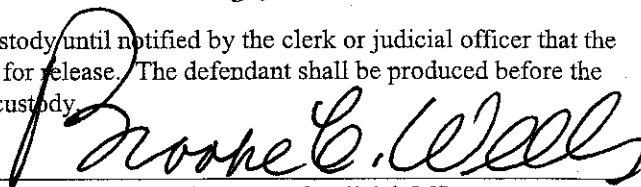
Home 801-955-7668

Cell 801-633-7910

() The defendant is ORDERED released after processing.

(X) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: Aug. 10, 2006



Signature of Judicial Officer

BROOKE C. WELLS**United States Magistrate Judge**

Name and Title of Judicial Officer

AUG 10 2006

BY MARKUS B. ZIMMER, CLERK
DEPUTY CLERK

United States District Court

**ORDER SETTING
CONDITIONS OF RELEASE**

Case Number: 2:06-CR-550 PGC - 14

DATE AND TIME

in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- () (6) The defendant is placed in the custody of:
(Name of person or organization)
(Address)
(City and state) (Tel.No.)

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____
Custodian or Proxy

- (✓) The defendant shall:
- (✓)(a) maintain or actively seek employment.
 - () (b) maintain or commence an educational program.
 - (✓)(c) abide by the following restrictions on his personal associations, place of abode, or travel:
 - no change of residence without approval of court.
 - travel restricted to state of Utah.
 - (✓)(d) avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses:
as well as all co-defendants
 - (✓)(e) report on a regular basis to the supervising officer as directed - biweekly and/or as directed.
 - () (f) comply with the following curfew:
 - (✓)(g) refrain from possessing a firearm, destructive device, or other dangerous weapon.
 - () (h) refrain from excessive use of alcohol.
 - () (i) refrain from any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C. §802 unless prescribed by a licensed medical practitioner.
 - () (j) undergo medical or psychiatric treatment and/or remain in an institution, as follows:
 - () (k) execute a bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property
 - () (l) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described money:
 - (✓)(m) execute a ^{cash} ~~surety~~ bond with solvent sureties in the amount of \$ 1,000 or \$ 10,000 Surety Bond.
 - () (n) return to custody each (week)day as of _____ o'clock after being released each (week)day as of _____ o'clock for employment, schooling or the following limited purpose(s):
 - (✓)(o) surrender any passport to Clerk's Office by 4:00 pm on Aug. 14, 2006.
 - (✓)(p) obtain no passport
 - () (q) the defendant will submit to drug/alcohol testing as directed by the pretrial office. If testing reveals illegal drug use, the defendant shall participate in drug and/or alcohol abuse treatment, if deemed advisable by supervising officer.
 - () (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the supervising officer.
 - () (s) submit to an electronic monitoring program as directed by the supervising officer.
 - () (t)

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.


If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both.
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.


 Signature of Defendant

9488 S. Heather Dale Cir
 Address
 South Jordan, UT 84095

City and State

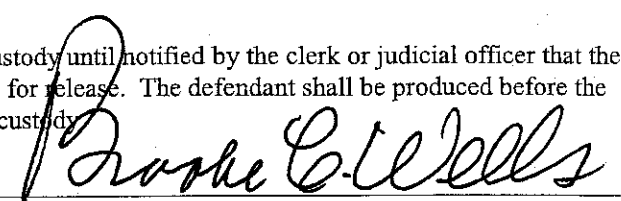
Telephone

(801) 748-0101

Directions to the United States Marshal

- () The defendant is ORDERED released after processing.
- (X) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: Aug. 10, 2006


 Signature of Judicial Officer

BROOKE C. WELLS
United States Magistrate Judge

Name and Title of Judicial Officer

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 10 2006

BY MARKUS B. ZIMMER, CLERK
DEPUTY CLERK

**ORDER SETTING
CONDITIONS OF RELEASE**

Case Number: 2:06-CR-550 PGC - 20

- (1) The defendant shall not commit any offense in violation of federal, state or local or tribal law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing of any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed

PLACE

on

As Directed

DATE AND TIME

IT IS FURTHER ORDERED that the defendant be released provided that:

- ☒ (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- ☐ (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of

dollars (\$)

in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- () (6) The defendant is placed in the custody of:
 (Name of person or organization)
 (Address)
 (City and state) (Tel.No.)

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____
 Custodian or Proxy

- (✓) The defendant shall:
- (✓)(a) maintain or actively seek employment. - *full time*
 - () (b) maintain or commence an educational program.
 - (✓)(c) abide by the following restrictions on his personal associations, place of abode, or travel:
 - no change of residence without approval of court.
 - travel restricted to state of Utah.
 - (✓)(d) avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses:
 - as well as all co-defendants
 - (✓)(e) report on a regular basis to the supervising officer as directed - biweekly and/or as directed.
 - () (f) comply with the following curfew:
 - (✓)(g) refrain from possessing a firearm, destructive device, or other dangerous weapon.
 - () (h) refrain from excessive use of alcohol.
 - () (i) refrain from any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C. §802 unless prescribed by a licensed medical practitioner.
 - () (j) undergo medical or psychiatric treatment and/or remain in an institution, as follows:
 - () (k) execute a bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property
 - () (l) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described money:
 - (✓)(m) execute a ^{*cash*} ~~bail~~ bond with solvent sureties in the amount of \$ *250.00 or 2,500 Surety Bond.*
 - () (n) return to custody each (week)day as of _____ o'clock after being released each (week)day as of _____ o'clock for employment, schooling or the following limited purpose(s):
 - (✓)(o) surrender any passport to Clerk's Office by *4:00 pm on Mon. Aug. 14th, 2006.*
 - (✓)(p) obtain no passport
 - () (q) the defendant will submit to drug/alcohol testing as directed by the pretrial office. If testing reveals illegal drug use, the defendant shall participate in drug and/or alcohol abuse treatment, if deemed advisable by supervising officer.
 - () (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the supervising officer.
 - () (s) submit to an electronic monitoring program as directed by the supervising officer.
 - () (t)

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both.
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.



Signature of Defendant

3352 RIVER VILLAGE #818

Address

W. V. C. UTAH 891-1431

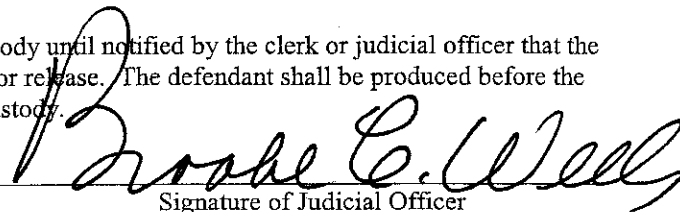
City and State

Telephone

Directions to the United States Marshal

- () The defendant is ORDERED released after processing.
- (X) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: Aug. 10, 2006



Signature of Judicial Officer

BROOKE C. WELLS
United States Magistrate Judge

Name and Title of Judicial Officer

United States District Court

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 10 2006

BY MARKUS B. ZIMMER, CLERK
DEPUTY CLERK

UNITED STATES OF AMERICA

V.

ORDER SETTING
CONDITIONS OF RELEASE

TAMY TA

Case Number: 2:06-CR-550 PGC

IT IS SO ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local or tribal law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing of any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed

as directed. The defendant shall next appear at (if blank, to be notified)

United States District Court

PLACE

350 South Main

on

As Directed

DATE AND TIME

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- (✓) (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- () (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of

dollars (\$)

in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- () (6) The defendant is placed in the custody of:
(Name of person or organization)
(Address)
(City and state) (Tel.No.)

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____

Custodian or Proxy

- (✓) The defendant shall:
- (✓)(a) maintain or actively seek employment.
 - () (b) maintain or commence an educational program.
 - (✓)(c) abide by the following restrictions on his personal associations, place of abode, or travel:
 - no change of residence without approval of court.
 - travel restricted to state of Utah.
 - (✓)(d) avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses:
as well as all co-defendants
 - (✓)(e) report on a regular basis to the supervising officer as directed - biweekly and/or as directed.
 - () (f) comply with the following curfew:
 - (✓)(g) refrain from possessing a firearm, destructive device, or other dangerous weapon.
 - () (h) refrain from excessive use of alcohol.
 - () (i) refrain from any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C. §802 unless prescribed by a licensed medical practitioner.
 - () (j) undergo medical or psychiatric treatment and/or remain in an institution, as follows:
 - () (k) execute a bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property
 - () (l) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described money:
 - (✓)(m) execute a ^{cash} ~~bail~~ bond with solvent sureties in the amount of \$ 500 or 5,000 Surety Bond.
 - () (n) return to custody each (week)day as of _____ o'clock after being released each (week)day as of _____ o'clock for employment, schooling or the following limited purpose(s):
 - (✓)(o) surrender any passport to Clerk's Office by 4:00 pm on Mon Aug. 14, 2006.
 - (✓)(p) obtain no passport
 - () (q) the defendant will submit to drug/alcohol testing as directed by the pretrial office. If testing reveals illegal drug use, the defendant shall participate in drug and/or alcohol abuse treatment, if deemed advisable by supervising officer.
 - () (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the supervising officer.
 - () (s) submit to an electronic monitoring program as directed by the supervising officer.
 - () (t)

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both.
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.

TAM Y - TA

Signature of Defendant

8430 S 1672 W WEST JORDAN

Address

W JORDAN UT

City and State

Telephone

Directions to the United States Marshal

- () The defendant is ORDERED released after processing.
- () The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: Aug. 10, 2006Brooke C. Wells
Signature of Judicial Officer**BROOKE C. WELLS**
United States Magistrate Judge

Name and Title of Judicial Officer

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 10 2006

BY MARKUS B. ZIMMER, CLERK
DEPUTY CLERK

**ORDER SETTING
CONDITIONS OF RELEASE**

v.

YEN THI PHAM

Case Number: 2:06-CR-550 PGC - 10

IT IS SO ORDERED that the release of the defendant is subject to the following conditions:

- (1) The defendant shall not commit any offense in violation of federal, state or local or tribal law while on release in this case.
- (2) The defendant shall immediately advise the court, defense counsel and the U.S. attorney in writing of any change in address and telephone number.
- (3) The defendant shall appear at all proceedings as required and shall surrender for service of any sentence imposed

as directed. The defendant shall next appear at (if blank, to be notified) United States District Court

PLACE

350 South Main

on

As Directed

DATE AND TIME

Release on Personal Recognizance or Unsecured Bond

IT IS FURTHER ORDERED that the defendant be released provided that:

- (✓) (4) The defendant promises to appear at all proceedings as required and to surrender for service of any sentence imposed.
- () (5) The defendant executes an unsecured bond binding the defendant to pay the United States the sum of

dollars (\$)

in the event of a failure to appear as required or to surrender as directed for service of any sentence imposed.

Additional Conditions of Release

Upon finding that release by one of the above methods will not by itself reasonably assure the appearance of the defendant and the safety of other persons and the community, it is FURTHER ORDERED that the release of the defendant is subject to the conditions marked below:

- () (6) The defendant is placed in the custody of:
(Name of person or organization)
(Address)
(City and state) (Tel.No.)

who agrees (a) to supervise the defendant in accordance with all the conditions of release, (b) to use every effort to assure the appearance of the defendant at all scheduled court proceedings, and (c) to notify the court immediately in the event the defendant violates any conditions of release or disappears.

Signed: _____

Custodian or Proxy

- (✓) The defendant shall:
- (✓)(a) maintain or actively seek employment.
 - () (b) maintain or commence an educational program.
 - (✓)(c) abide by the following restrictions on his personal associations, place of abode, or travel:
 - no change of residence without approval of court.
 - travel restricted to state of Utah.
 - (✓)(d) avoid all contact with the following named persons, who are considered either alleged victims or potential witnesses:
as well as all co-defendants
 - (✓)(e) report on a regular basis to the supervising officer as directed - biweekly and/or as directed.
 - () (f) comply with the following curfew:
 - (✓)(g) refrain from possessing a firearm, destructive device, or other dangerous weapon.
 - () (h) refrain from excessive use of alcohol.
 - () (i) refrain from any use or unlawful possession of a narcotic drug and other controlled substances defined in 21 U.S.C. §802 unless prescribed by a licensed medical practitioner.
 - () (j) undergo medical or psychiatric treatment and/or remain in an institution, as follows:
 - () (k) execute a bond or an agreement to forfeit upon failing to appear as required, the following sum of money or designated property
 - () (l) post with the court the following indicia of ownership of the above-described property, or the following amount or percentage of the above-described money:
 - (✓)(m) execute a ^{cash} ~~bail~~ bond with solvent sureties in the amount of \$ 250 or 2,500 Surety Bond.
 - () (n) return to custody each (week)day as of _____ o'clock after being released each (week)day as of _____ o'clock for employment, schooling or the following limited purpose(s):
 - (✓)(o) surrender any passport to Clerk's Office by 4:00 pm on Mon Aug. 14, 2006.
 - (✓)(p) obtain no passport
 - () (q) the defendant will submit to drug/alcohol testing as directed by the pretrial office. If testing reveals illegal drug use, the defendant shall participate in drug and/or alcohol abuse treatment, if deemed advisable by supervising officer.
 - () (r) participate in a program of inpatient or outpatient substance abuse therapy and counseling if deemed advisable by the supervising officer.
 - () (s) submit to an electronic monitoring program as directed by the supervising officer.
 - () (t)

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both.
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in additions to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.



Signature of Defendant

1648 W. 9620 S

Address

South Jordan UT

City and State

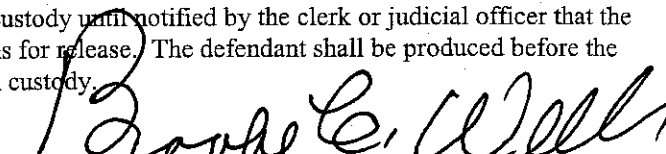
660-8496

Telephone

Directions to the United States Marshal

- () The defendant is ORDERED released after processing.
- (X) The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judicial officer that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judicial officer at the time and place specified, if still in custody.

Date: Aug. 10, 2006


Signature of Judicial Officer**BROOKE C. WELLS**
United States Magistrate Judge

Name and Title of Judicial Officer

L. Grant Foster, 7202
gfoster@hollandhart.com
Brett L. Foster, 6089
bfoster@hollandhart.com
Mark A. Miller, 9568
mmiller@hollandhart.com
HOLLAND & HART LLP
60 East South Temple, Suite 2000
Salt Lake City, Utah 84111-1031
Telephone: (801) 799-5800
Facsimile: (801) 799-5700

Attorneys for Plaintiff
K-TEC, Inc.

RECEIVED

AUG 14 2006

**OFFICE OF
JUDGE TENA CAMPBELL**

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 16 2006

MARKUS B. ZIMMER, CLERK
BY
DEPUTY CLERK

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

K-TEC, Inc., a Utah corporation,

Plaintiff,

vs.

Vita-Mix Corp., an Ohio corporation,

Defendant.

**[PROPOSED] STIPULATED
PROTECTIVE ORDER**

Civil Case No. 2:06-cv-00108

Judge Tena Campbell

Plaintiff K-TEC, Inc. ("K-TEC") and Defendant Vita-Mix Corp. ("Vita-Mix") jointly stipulate to entry by the Court of a Protective Order as set forth below pursuant to Rule 26(c) of the Federal Rules of Civil Procedure.

Based on the stipulation of the Plaintiff and Defendant (individually a "party" and collectively the "parties") to entry of the following Protective Order pursuant to Rule 26(c), Federal Rule of Civil Procedure, and for good cause shown,

IT IS HEREBY ORDERED THAT:

1. Any document, or portion thereof, and any other form of evidence or discovery contemplated under Rules 26 through 36 of the Federal Rules of Civil Procedure which, in the good faith opinion of a party contains any trade secret or other confidential development or commercial information ("Confidential Information"), may be designated by the parties as "*CONFIDENTIAL*" or "*ATTORNEYS' EYES ONLY*" in accordance with the provisions of this Protective Order.

2. As used herein, *CONFIDENTIAL* documents, things, and information shall consist of all documents, things and information properly marked as *CONFIDENTIAL* under this Protective Order that contains trade secrets and other confidential research, development or commercial information including, but not limited to, research, development, sales, marketing, operations, processes, source code, pricing, costing, customer information, market analysis, customer, distributor or supply contracts, bids, proposals or related documents or materials; which is designated as *CONFIDENTIAL* by the producing party. *CONFIDENTIAL* information shall be clearly marked, noticed or designated "*CONFIDENTIAL*"

3. The term *ATTORNEYS' EYES ONLY* means information of the most sensitive nature that if disclosed to persons of expertise in the area would reveal significant technical or business advantages of the producing party. *ATTORNEYS' EYES ONLY* information includes highly sensitive technical information, highly sensitive financial information, marketing plans and forecasts, customer lists, license agreements, technical drawings, and any pending unpublished patent applications, foreign or domestic. *ATTORNEYS' EYES ONLY* information shall be clearly marked, noticed or designated as "*ATTORNEYS' EYES ONLY*."

4. Confidential Information must be designated as follows:

(a) Documents or copies provided to another party in response to discovery requests containing Confidential Information may be designated by any party as either *CONFIDENTIAL* or *ATTORNEYS' EYES ONLY* by marking the page or the pages on which the Confidential Information appears with the legend "*CONFIDENTIAL*" or "*ATTORNEYS' EYES ONLY*."

(b) In lieu of marking the original of a document which contains Confidential Information prior to inspection, a party may orally designate documents being produced for inspection as *CONFIDENTIAL* or *ATTORNEYS' EYES ONLY* thereby making them subject to this Protective Order. However, copies of such documents ultimately produced must be marked *CONFIDENTIAL* or *ATTORNEYS' EYES ONLY* at the time any such documents are supplied to inspecting counsel in order to make such copies subject to this Protective Order.

(c) Confidential Information disclosed at a deposition, whether by testimony or use of a document or thing, may be designated as *CONFIDENTIAL* or *ATTORNEYS' EYES ONLY* by clearly indicating on the record at the deposition the specific testimony containing Confidential Information that is to be made subject to the provisions of this Protective Order. Documents, things, or information not designated on the record of the deposition as *CONFIDENTIAL* or *ATTORNEYS' EYES ONLY* may thereafter be designated as such by notifying the other party in writing within fourteen (14) days of the receipt of the transcript of such deposition. During that fourteen (14) day period, the deposition transcript, and any documents, things, and information shall be treated as *ATTORNEYS' EYES ONLY*. If a designation is made, each party shall attach a copy of

any such written notification to the face of the deposition transcript and each copy thereof in its possession, custody or control.

(d) Confidential Information contained in responses to interrogatories, other discovery requests or responses, affidavits, briefs, memoranda or other papers filed with the Court, may be designated by prominently marking every page of such documents containing Confidential Information with the legend *CONFIDENTIAL* or *ATTORNEYS' EYES ONLY*. Copies of such items filed with the Court shall be maintained under seal pursuant to the provisions of Section 11 hereof.

(e) Tangible objects constituting or containing Confidential Information may be designated by affixing to the object or its container a label or tag marked *CONFIDENTIAL* or *ATTORNEYS' EYES ONLY*.

(f) Notwithstanding any other provisions of the Protective Order, any party may designate as *CONFIDENTIAL* or *ATTORNEYS' EYES ONLY* any testimony of and/or documents produced by that party's agent, sales representative, or technical or business consultant.

(g) Should any person or entity with access to documents, things or information designated as *CONFIDENTIAL* or *ATTORNEYS' EYES ONLY* make copies, extracts, summaries, descriptions, projections and/or extrapolations of or from the documents, things or information designated as *CONFIDENTIAL* or *ATTORNEYS' EYES ONLY* or any portions thereof, such copies, extracts, summaries, descriptions, projections and/or extrapolations shall be stamped *CONFIDENTIAL* or *ATTORNEYS' EYES ONLY* consistent with the original information and treated as Confidential Information pursuant to the provisions of this Protective Order.

5. Confidential Information designated ATTORNEYS' EYES ONLY shall only be disclosed to and made available to the following:

(a) "Outside Trial Counsel" of record and employees of such attorneys to whom it is necessary that the material be shown for purposes of this litigation; court reporters and videographers receiving or transcribing the documents, things or information in connection with official reporting (for example, at a deposition or a hearing); the Court; outside photocopy, imaging, database, graphics, design, computer simulation modeling, or exhibit production services, to the extent necessary to assist such Outside Trial Counsel for purposes of this litigation.

(b) Outside consultants, or expert witnesses who are not employees, directors, or officers of any party, performing services solely in connection with the prosecution or defense of this litigation together with their clerical or support personnel, provided that each consultant or expert executes an acknowledgement pursuant to Section 7 herein.

(c) Witnesses who are expected to testify in Court or in a deposition only if such persons have prior knowledge of the *ATTORNEYS' EYES ONLY* information.

6. Confidential Information designated CONFIDENTIAL shall only be disclosed to and made available to the following:

(a) The persons identified in Subsections 5(a), 5(b), and 5(c);

(b) The parties (*i.e.* employees of the corporate parties); and

(c) Witnesses who are expected to testify in court or in a deposition only if such persons have prior knowledge of the *CONFIDENTIAL* information.

7. The disclosure of Confidential Information to any person identified in subsections 5(b), 5(c), 6(b) and 6(c) shall be subject to the following provisions:

(a) Prior to receiving Confidential Information, any person in subsections 5(b), 5(c), 6(b) and 6(c) shall sign an acknowledgement in the form of Exhibit A attached hereto. Any individual identified pursuant to this subsection who has executed Exhibit A shall be treated as subject to this Protective Order. A willful violation of any material term of this Protective Order by any such individual may be punishable as contempt of court.

(b) Any person within the category of outside consultants and/or expert witnesses identified in subsection 5(b) above shall be disclosed to the producing party in writing at least ten (10) days prior to the disclosure of CONFIDENTIAL or ATTORNEYS' EYES ONLY information to the person.

8. If the party to whom *CONFIDENTIAL* or *ATTORNEYS' EYES ONLY* documents, things or information has been produced believes that any of the documents, things or information has been improperly designated, the receiving party may at any time request the party which made the designation to cancel the designation with respect to any documents, things or information and to agree that thereafter such document, thing or information will no longer be subject to certain or all of the provisions of this Protective Order. Such request shall be in writing and shall particularly identify the information that is contested, including the reasons supporting the contentions. If the party which produced the documents, things, or information objects to the requested declassification, it must, within two weeks of its receipt of the request to declassify or such other time as the parties may mutually agree, file and serve a motion for a protective order supporting its classification. The party claiming the higher

designation of protection shall have the burden of establishing the status of the particular document, thing, or information. If no such motion is timely filed, the party objecting to the designation shall be entitled to treat the documents and/or information in accordance with the written request of such party.

9. No copies of documents, things or information designated as *CONFIDENTIAL* or *ATTORNEYS' EYES ONLY* shall be received, kept, or maintained by persons other than those authorized to do so under this Protective Order.

10. When a party gives notice to another party that, during an oral deposition, *CONFIDENTIAL* or *ATTORNEYS' EYES ONLY* documents, things or information are expected to be produced, used or discussed during the deposition, then only persons authorized to receive such information pursuant to this Protective Order will be allowed to attend that portion of the deposition on behalf of the receiving party.

11. To the extent it is necessary to file with the Court any material containing or referring to any *CONFIDENTIAL* or *ATTORNEYS' EYES ONLY* document(s), thing(s), or information, the parties shall file such documents under seal.

12. Each party's production of any document(s), thing(s), or information designated as *CONFIDENTIAL* or *ATTORNEYS' EYES ONLY* shall be solely for purposes of and use in this action, and those documents, things and information shall not be used for any other purpose or in any other action. If any such document(s), thing(s), or information properly becomes a matter of public record without an order of Court causing the same to be retained under seal or retained in an otherwise confidential manner, then the parties will have the same rights to utilize the document, things, or information as the public at large under the First Amendment.

13. Within one hundred twenty (120) days after the conclusion of this action and any appeal taken here from, all documents, things, and other materials produced or designated as containing Confidential Information, and all reproductions thereof, shall be returned to the party who produced them except that counsel for each party may retain one entire set of pleadings and depositions (including exhibits) in this case. Any party may, at their option, destroy annotated copies or summaries of Confidential Information in lieu of returning those copies and summaries to the producing party.

14. If another court or an administrative agency subpoenas or orders production of stamped confidential documents that a party has obtained under the terms of this Protective Order, such party shall promptly notify the party or other person who designated the document as confidential of the pendency of such subpoena or order in sufficient time to allow for the designating party to seek a protective order.

15. Nothing in this Protective Order shall prevent or otherwise restrict counsel from rendering advice to their clients and, in the course thereof, relying generally on examination of stamped confidential documents; provided, however, that in rendering such advice and otherwise communicating with such clients, counsel shall not make specific disclosure of any item so designated except pursuant to the provisions of this Protective Order.

16. Persons obtaining access to stamped confidential documents under this Protective Order shall use the information only for preparation and trial of this litigation (including appeals and retrials), and shall not use such information for any other purpose, including business, governmental, commercial, administrative, or judicial proceedings.

17. The attorneys of record are responsible for employing reasonable measures, consistent with this Protective Order, to control duplication of, access to, and distribution of copies of stamped confidential documents.

18. The disclosure of Confidential Information under the terms of the Protective Order shall not constitute a waiver of confidentiality for the documents and things so designated. Specifically:

(a) Review of the confidential documents and information by counsel, experts, or consultants for the litigants in the litigation shall not waive the confidentiality of the documents or objections to production.

(b) The inadvertent, unintentional, or *in camera* disclosure of confidential documents and information shall not, under any circumstances, be deemed a waiver, in whole or in part, of any party's claims of confidentiality.

19. Notwithstanding the termination of this action, persons who have had access to *CONFIDENTIAL* or *ATTORNEYS' EYES ONLY* documents, things or information shall remain subject to the terms of this Protective Order.

20. This Protective Order may be modified by written agreement of the parties or by further order of the Court. Each party shall also have the right to petition the Court to modify this Protective Order or for additional protection under Fed.R.Civ.P.26(c).

ENTERED this 16 day of August, 2006.


TENA CAMPBELL
UNITED STATES DISTRICT JUDGE

Agreed to and Accepted by:

HOLLAND & HART LLP

/s/ Brett L. Foster

Brett Foster

Attorneys for Plaintiff

STOEL RIVES LLP

/s/ Marc T. Rasich

(Signed by Filing Attorney with Permission of Defendant Attorney)

Marc T. Rasich

Attorneys for Defendant

EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

K-TEC, Inc., a Utah corporation,

Plaintiff,

vs.

Vita-Mix Corp., an Ohio corporation,

Defendant.

**AGREEMENT TO BE BOUND BY THE
STIPULATED PROTECTIVE ORDER**

Civil Case No. 2:06-cv-00108

Judge Tena Campbell

This is to certify that I have read and understand the Stipulated Protective Order (the "Order") entered in the above-captioned action and agree: (a) to be bound by the terms and conditions set forth in the Order; (b) not to reveal to anyone, other than another persons listed in Section 6 of the Order, any documents, things or information designated under the Order as "*Confidential*"; (c) not to reveal to anyone, other than another persons identified in Section 5 of the Order, any documents, things or information designated under the Order as "*ATTORNEYS' EYES ONLY*" and (d) to utilize such documents, things and information solely for purposes of and in connection with the above-captioned action. In addition, I hereby consent to the jurisdiction of the above-identified Court for purposes of enforcing the Order. I agree that a willful violation of any material term of the Order may be punishable as contempt of court.

Dated: _____

Signature

Printed Name

CERTIFICATE OF SERVICE

I hereby certify that on August 15, 2006, I electronically filed the foregoing **[PROPOSED] STIPULATED PROTECTIVE ORDER** with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

Marc T. Rasich
David L. Mortensen
Aaron T. Brogdon
STOEL RIVES LLP
201 South Main Street, Suite 1100
Salt Lake City, UT 84111

Edward G. Greive
Ray L. Weber
Laura J. Gentilcore
RENNER KENNER GREIVE BOBAK TAYLOR & WEBER
Fourth Floor, First National Tower
Akron, OH 44308-1456

/s/ Barbara Thurgood

Mark C. Quinn, # 6782
5742 West Harold Gatty Drive
Salt Lake City, Utah 84116
Telephone: 517-7000
Facsimile: 517-7003

MANNING CURTIS BRADSHAW
& BEDNAR LLC
Brent V. Manning, # 2075
Tyson B. Snow, # 10747
Third Floor Newhouse Building
10 Exchange Place
Salt Lake City, Utah 84111
Telephone: (801) 363-5678
Facsimile: (801) 364-5678

Attorneys for Plaintiff,
Zoller Laboratories, LLC

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

ZOLLER LABORATORIES, LLC,
a Utah limited liability company,

Plaintiff,

- vs -

IOVATE HEALTH SCIENCES SERVICES,
INC.,

Defendant.

**ORDER DENYING DEFENDANT'S
MOTION TO DISMISS PLAINTIFF'S
COMPLAINT FOR DECLARATORY
JUDGMENT**

Civil No. 2-06-CV-00230

Judge Dee Benson

This matter came before the Court for hearing on August 9, 2006 on Defendant Iovate Health Sciences Services, Inc.'s ("Defendant") Motion to Dismiss Plaintiff's Complaint for Declaratory Judgment. Plaintiff Zoller Laboratories, LLC ("Plaintiff") was represented at the hearing by Brent V. Manning and Tyson B. Snow, of Manning Curtis Bradshaw & Bednar, and

U.S. DISTRICT COURT, DISTRICT OF UTAH
AUG 16 2006
BY MARKUS B. ZIMMER, CLERK
DEPUTY CLERK

Mark C. Quinn. Defendant was represented by Brent P. Lorimer and Janna J. Lewis, of Workman Nydegger. The Court, having duly reviewed the pleadings, the memoranda supporting and opposing the Defendant's motion, and having announced a DECISION from the bench after hearing oral argument, and for good cause appearing therefor, enters this ORDER DENYING Defendant's Motion to Dismiss Plaintiff's Complaint for Declaratory Judgment.

The cease and desist letter sent by Defendant was not an invitation to negotiate or open discussions. Rather, the demand letter contained an explicit charge of infringement with respect to a specific advertisement for a Zoller product, which created an actual controversy between the parties. The Court finds that declaratory judgment jurisdiction is proper and DENIES Defendant's Motion to Dismiss.

DATED this 16th day of August, 2006.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Dee Benson", written over a horizontal line.

Dee V. Benson
District Judge

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of August, 2006, I caused a true and correct copy of the foregoing **[PROPOSED] ORDER DENYING DEFENDANT'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT FOR DECLARATORY JUDGMENT** to be served upon counsel for defendant in the manner indicated below:

☐ Hand Delivery
☒ U.S. Mail
☐ Overnight Mail
☐ Fax Transmission
☐ E-mail Transmission

Brent Lorimer
Janna L. Jensen
Workman Nydegger
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111

/S/ Tyson B. Snow

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

NutraStream International, LLC, a Utah
limited liability company,

Plaintiff and Counter-
Defendant,

v.

Casey Choi, an individual,

Defendant and
Counterclaimant.

SCHEDULING ORDER

Case No. 2:06CV00250 TC

Judge Tena Campbell

Pursuant to Fed. R. Civ. P. 16(b), the Magistrate Judge received the Attorneys' Planning Meeting Report filed by counsel. The following matters are scheduled. The times and deadlines set forth herein may not be modified without the approval of the Court and on a showing of good cause.

ALL TIMES 4:30 PM UNLESS INDICATED

- | | | |
|----|--|----------|
| 1. | PRELIMINARY MATTERS | DATE |
| a. | Was Rule 26(f)(1) Conference held? | 07/31/06 |
| b. | Has Attorney Planning Meeting Form been submitted? | 08/03/06 |
| c. | Was 26(a)(1) initial disclosure completed? | 08/15/06 |
| 2. | DISCOVERY LIMITATIONS | NUMBER |
| a. | Maximum Number of Depositions by Plaintiff(s) | 20 |
| b. | Maximum Number of Depositions by Defendant(s) | 20 |
| c. | Maximum Number of Hours for Each Deposition
(unless extended by agreement of parties) | 7 |

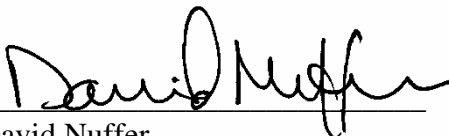
	d.	Maximum Interrogatories by any Party to any Party		As Per Rule
	e.	Maximum requests for admissions by any Party to any Party		As Per Rule
	f.	Maximum requests for production by any Party to any Party		As Per Rule
3.		AMENDMENT OF PLEADINGS/ADDING PARTIES		DATE
	a.	Last Day to File Motion to Amend Pleadings		11/01/06
	b.	Last Day to File Motion to Add Parties		11/01/06
4.		RULE 26(a)(2) REPORTS FROM EXPERTS		
	a.	Plaintiff		11/15/06
	b.	Defendant		12/01/06
	c.	Counter reports		12/15/06
5.		OTHER DEADLINES		
	a.	Discovery to be completed by:		
		(i) Fact discovery		11/01/06
		(ii) Expert discovery		01/15/07
	b.	Final date for supplementation of disclosures and discovery under Rule 26(e)		
	c.	Deadline for filing dispositive or potentially dispositive motions		11/01/06
6.		SETTLEMENT/ALTERNATIVE DISPUTE RESOLUTION		
	a.	Referral to Court-Annexed Mediation	Yes	
	b.	Referral to Court-Annexed Arbitration	No	
	c.	Evaluate case for Settlement/ADR on		12/01/06
	d.	Settlement probability	Fair	
7.		TRIAL AND PREPARATION FOR TRIAL	TIME	DATE
	a.	Rule 26(a)(3) Pretrial Disclosures		
		(i) Plaintiff		01/26/07
		(ii) Defendant		02/09/07
	b.	Objections to Rule 26(a)(3) Disclosures (if different than 14 days provided in Rule)		
	c.	Special Attorney Conference on or before		02/23/07
	d.	Settlement Conference on or before		03/09/07

- | | | | | |
|----|---------------------------|---------------|------------------|-----------------|
| e. | Final Pretrial Conference | | <u>3:00 p.m.</u> | <u>03/23/07</u> |
| f. | Trial | <u>Length</u> | | |
| | (i) Jury Trial | 4 days | <u>8:30 a.m.</u> | <u>04/09/07</u> |
8. OTHER MATTERS

Counsel should contact chambers staff of the District Judge regarding Daubert and Markman motions to determine the desired process for filing and hearing of such motions. All such motions, including Motions in Limine should be filed well in advance of the Final Pre Trial. Unless otherwise directed by the court, any challenge to the qualifications of an expert or the reliability of expert testimony under Daubert must be raised by written motion before the final pre-trial conference.

DATED this 16th date of August, 2006.

BY THE COURT:


 David Nuffer
 U.S. Magistrate Judge

¹ The Magistrate Judge completed Initial Pretrial Scheduling under DUCivR 16-1(b) and DUCivR 72-2(a)(5). The name of the Magistrate Judge who completed this order should NOT appear on the caption of future pleadings, unless the case is separately referred to that Magistrate Judge. A separate order may refer this case to a Magistrate Judge under DUCivR 72-2 (b) and 28 USC 636 (b)(1)(A) or DUCivR 72-2 (c) and 28 USC 636 (b)(1)(B). The name of any Magistrate Judge to whom the matter is referred under DUCivR 72-2 (b) or (c) should appear on the caption as required under DUCivR10-1(a).

¹ Counsel must still comply with the requirements of Fed. R. Civ. P. 15(a).

¹ The identity of experts and the subject of their testimony shall be disclosed as soon as an expert is retained or, in the case of an employee-expert, as soon as directed to prepare a report.

¹ Any demonstrative exhibits or animations must be disclosed and exchanged with the 26(a)(3) disclosures.

¹ The Special Attorneys Conference does not involve the Court. Counsel will agree on voir dire questions, jury instructions, a pre-trial order and discuss the presentation of the case.

Witnesses will be scheduled to avoid gaps and disruptions. Exhibits will be marked in a way that does not result in duplication of documents. Any special equipment or courtroom arrangement requirements will be included in the pre-trial order.

¹ The Settlement Conference does not involve the Court unless a separate order is entered. Counsel must ensure that a person or representative with full settlement authority or otherwise authorized to make decisions regarding settlement is available in person or by telephone during the Settlement Conference.

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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH - CENTRAL DIVISION**

MULLINS, et. al. ,	:	
	:	
Plaintiff,	:	REFERRAL TO ADR
	:	PROGRAM
vs.	:	
	:	Case No. 2:06cv266 PGC-DON
	:	
McNEIL CONSUMER & SPECIALTY	:	
PHARMACEUTICALS, et. al. ,	:	
	:	
Defendant(s).	:	
	:	

Based on the parties' agreement that this case should be referred in the Attorney Planning Meeting Report (docket no. 19) , the above-entitled matter is hereby referred to the court-annexed Alternative Dispute Resolution Program for MEDIATION.

Further proceedings in this matter will be governed by the provisions of DUCivR 16-2 and the Court's ADR Plan.

IT IS SO REFERRED, this 16th_ day of August, 2006.

By s/David N uffer

David Nuffer

United States Magistrate Judge

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 16 2006

BY MARKUS B. ZIMMER, CLERK
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH - CENTRAL/NORTHERN DIVISION

ERIN V. NIELSON

Plaintiff,

v.

SOUTH SALT LAKE CITY, et al.

Defendant.

**SCHEDULING ORDER AND
ORDER VACATING HEARING**

Case No. 2:06 CV 00335

District Judge District Judge Dale A. Kimball

Magistrate Judge ~~Magistrate Judge Nugger~~

Pursuant to Fed.R. Civ P. 16(b), the Magistrate Judge¹ received the Attorneys' Planning Report filed by counsel. The following matters are scheduled. The times and deadlines set forth herein may not be modified without the approval of the Court and on a showing of good cause.

IT IS ORDERED that the Initial Pretrial Hearing set for Aug. 16, 2006, at 10:00 a.m. is VACATED.

****ALL TIMES 4:30 PM UNLESS INDICATED****

1. PRELIMINARY MATTERS

DATE

Nature of claims and any affirmative defenses:

a. Was Rule 26(f)(1) Conference held?

Yes/7/18/06

b. Has Attorney Planning Meeting Form been submitted?

Yes/8/11/06

c. Was 26(a)(1) initial disclosure completed?

Yes/8/24/06 **DH**

2. DISCOVERY LIMITATIONS

NUMBER

a. Maximum Number of Depositions by Plaintiff(s)

20

b. Maximum Number of Depositions by Defendant(s)

20 each def.

c. Maximum Number of Hours for Each Deposition
(unless extended by agreement of parties)

10

d. Maximum Interrogatories by any Party to any Party

25

- e. Maximum requests for admissions by any Party to any Party per rules
- f. Maximum requests for production by any Party to any Party per rules
3. **AMENDMENT OF PLEADINGS/ADDING PARTIES²** **DATE**
- a. Last Day to File Motion to Amend Pleadings 11/30p12/29d
- b. Last Day to File Motion to Add Parties 11/30p12/29d
4. **RULE 26(a)(2) REPORTS FROM EXPERTS³** **DATE**
- a. Plaintiff 5/31/07
- b. Defendant 6/29/07
- c. Counter reports 7/31/07
5. **OTHER DEADLINES** **DATE**
- a. Discovery to be completed by:
- Fact discovery 04/30/07
- Expert discovery 08/31/07
- b. *(optional)* Final date for supplementation of disclosures and discovery under Rule 26 (e) 09/28/07
- c. Deadline for filing dispositive or potentially dispositive motions 10/31/07
~~00/00/00~~ **DH**
6. **SETTLEMENT/ALTERNATIVE DISPUTE RESOLUTION** **DATE**
- a. Referral to Court-Annexed Mediation: Yes/No
- b. Referral to Court-Annexed Arbitration Yes/No
- c. Evaluate case for Settlement/ADR on 10/31/07
- d. Settlement probability: POOR

Specify # of days for Bench or Jury trial as appropriate.
Shaded areas will be completed by the court.


7.	TRIAL AND PREPARATION FOR TRIAL	TIME	DATE
a.	Rule 26(a)(3) Pretrial Disclosures ⁴		
	Plaintiff		<u>2/8/08</u>
	Defendant		<u>2/22/08</u>
b.	Objections to Rule 26(a)(3) Disclosures (if different than 14 days provided in Rule)		_____
c.	Special Attorney Conference ⁵ on or before		<u>3/7/08</u>
d.	Settlement Conference ⁶ on or before		<u>3/7/08</u>
e.	Final Pretrial Conference	<u>2:30p.m.</u>	<u>3/21/08</u>
f.	Trial	<u>Length</u>	
	i. Bench Trial	<u># of days</u>	_____.m. _____
	ii. Jury Trial	<u>7 pm</u> <u># of days</u>	<u>8:30a.m.</u> <u>3/31/08</u>

8. **OTHER MATTERS**

Counsel should contact chambers staff of the District Judge regarding Daubert and Markman motions to determine the desired process for filing and hearing of such motions. All such motions, including Motions in Limine should be filed well in advance of the Final Pre Trial. Unless otherwise directed by the court, any challenge to the qualifications of an expert or the reliability of expert testimony under Daubert must be raised by written motion before the final pre-trial conference.

Dated this 16 date of August, 2008

BY THE COURT:



DAVID M. WAFFEL
U.S. Magistrate Judge

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

THE MILLER FAMILY LIVING TRUST,
suing individually and derivatively as a
shareholder of TTR HP, INC. dba as Aero
Exhaust, a Nevada corporation,

Plaintiff,

v.

TTR, HP, Inc. dba as Aero Exhaust, a
Nevada corporation, BRYAN
HUNSAKER, an individual, KENDALL
WOOLSENHULME, an individual,
DAVID RICHARDS, an individual,
STEVEN J. WRIDE, an individual, and
John Does 1-5.,

Defendants.

SCHEDULING ORDER AND ORDER
VACATING HEARING

Case No. 2:06cv00345 PGC

Judge Paul G. Cassell

Pursuant to Fed.R. Civ P. 16(b), the Magistrate Judge Brooke Wells received the Attorneys' Planning Report filed by counsel. The following matters are scheduled. The times and deadlines set forth herein may not be modified without the approval of the Court and on a showing of good cause.

IT IS ORDERED that the Initial Pretrial Hearing set for October 11, 2006, at 2:30 p.m. is VACATED.

- | 1. PRELIMINARY MATTERS | <u>DATE</u> |
|---|----------------|
| a. Was Rule 26(f)(1) Conference held? | <u>8/8/06</u> |
| b. Has Attorney Planning Meeting Form been submitted? | <u>8/10/06</u> |
| c. Was 26(a)(1) initial disclosure completed? | <u>8/25/06</u> |

2.	DISCOVERY LIMITATIONS	<u>NUMBER</u>
a.	Maximum Number of Depositions by Plaintiff(s)	<u>10</u>
b.	Maximum Number of Depositions by Defendant(s)	<u>10</u>
c.	Maximum Number of Hours for Each Deposition (unless extended by agreement of parties)	<u>7</u>
d.	Maximum Interrogatories by any Party to any Party	<u>25</u>
e.	Maximum requests for admissions by any Party to any Party	<u>Per Rules</u>
f.	Maximum requests for production by any Party to any Party	<u>Per Rules</u>
3.	AMENDMENT OF PLEADINGS/ADDING PARTIES ⁱ	
a.	Last Day to File Motion to Amend Pleadings / Add Parties	<u>Plaintiff:</u> <u>12/31/06</u> <u>Defendant:</u> <u>1/31/07</u>
4.	RULE 26(a)(2) REPORTS FROM EXPERTS	
a.	Plaintiff	<u>4/16/07</u>
b.	Defendant	<u>5/16/07</u>
c.	Counter reports	<u>5/31/07</u>
5.	OTHER DEADLINES	
a.	Discovery to be completed by:	
	Fact discovery	<u>3/30/07</u>
	Expert discovery	<u>7/2/07</u>
b.	Deadline for filing dispositive or potentially dispositive motions	<u>8/3/07</u>

6. SETTLEMENT/ ALTERNATIVE DISPUTE RESOLUTION

- | | | |
|----|---------------------------------------|----------------|
| a. | Referral to Court-Annexed Mediation | <u>No</u> |
| b. | Referral to Court-Annexed Arbitration | <u>No</u> |
| c. | Evaluate case for Settlement/ADR on | <u>3/30/07</u> |
| d. | Settlement probability: | <u>Fair</u> |

7. TRIAL AND PREPARATION FOR TRIAL:

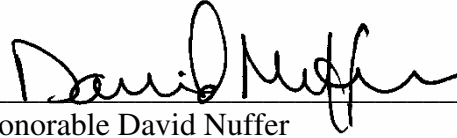
- | | | | |
|----|---|------------------|---------------------------------|
| a. | Rule 26(a)(3) Pretrial Disclosures ⁱⁱ | | |
| | Plaintiff | | 10/26/07 |
| | Defendant | | 11/9/07 |
| b. | Objections to Rule 26(a)(3) Disclosures | | |
| c. | Special Attorney Conference ⁵ on or before | | 11/23/07 |
| d. | Settlement Conference ⁶ on or before | | 12/7/07 |
| e. | Final Pretrial Conference | <u>3:00 p.m.</u> | <u>12/20/07</u> |
| f. | Trial | <u>Length</u> | <u>Time</u> <u>Date</u> |
| | i. Jury Trial | <u>5 days</u> | <u>8:00 a.m.</u> <u>1/14/08</u> |

8. OTHER MATTERS:

Counsel should contact chambers staff of the District Judge regarding Daubert and Markman motions to determine the desired process for filing and hearing of such motions. All such motions, including Motions in Limine should be filed well in advance of the Final Pre Trial. Unless otherwise directed by the court, any challenge to the qualifications of an expert or the reliability of expert testimony under Daubert must be raised by written motion before the final pre-trial conference.

DATED this 16th day of August 2006.

BY THE COURT:

A handwritten signature in black ink, appearing to read "David Nuffer", is written over a horizontal line.

Honorable David Nuffer
United States Magistrate Judge

-
2. Counsel must still comply with the requirements of Fed. R. Civ. P. 15(a).
 4. Any demonstrative exhibits or animations must be disclosed and exchanged with the 26(a)(3) disclosures.
 5. The Special Attorneys Conference does not involve the Court. Counsel will agree on voir dire questions, jury instructions, a pre-trial order and discuss the presentation of the case. Witnesses will be scheduled to avoid gaps and disruptions. Exhibits will be marked in a way that does not result in duplication of documents. Any special equipment or courtroom arrangement requirements will be included in the pre-trial order.
 6. The Settlement Conference does not involve the Court unless a separate order is entered. Counsel must ensure that a person or representative with full settlement authority or otherwise authorized to make decisions regarding settlement is available in person or by telephone during the Settlement Conference.

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

LUTRON ELECTRONICS CO., INC.

Plaintiff,

vs.

CONTROL4 CORPORATION

Defendant.

SCHEDULING ORDER AND
ORDER VACATING HEARING

Case No. 2:06cv00401DAK

Judge Dale A. Kimball

Pursuant to Fed.R. Civ P. 16(b), the Magistrate Judge received the Attorneys' Planning Report filed by counsel. The following matters are scheduled. The times and deadlines set forth herein may not be modified without the approval of the Court and on a showing of good cause.

IT IS ORDERED that the Initial Pretrial Hearing set for October 11, 2006, 1:30 p.m. is VACATED.

ALL TIMES 4:30 PM UNLESS INDICATED

1.	PRELIMINARY MATTERS	DATE
a.	Was Rule 26(f)(1) Conference held?	<u>07/21/06</u>
b.	Has Attorney Planning Meeting Form been submitted?	<u>07/31/06</u>
c.	Was 26(a)(1) initial disclosure completed?	<u>08/04/06</u>

2.	DISCOVERY LIMITATIONS	NUMBER
a.	Maximum Number of Depositions by Plaintiff(s)	<u>90 hours</u>
b.	Maximum Number of Depositions by Defendant(s)	<u>90 hours</u>
c.	Maximum Number of Hours for Each Deposition (unless extended by agreement of parties)	<u>7 hours</u>
d.	Maximum Interrogatories by any Party to any Party	<u>25</u>
e.	Maximum requests for admissions by any Party to any Party	<u>150</u>
f.	Maximum requests for production by any Party to any Party	<u>No limit</u>

3.	AMENDMENT OF PLEADINGS/ADDING PARTIES ¹	DATE
a.	Last Day to Amend Pleadings, without a motion for leave to amend	<u>10/27/06</u>

b.	Last Day to File Motion to Add Parties	<u>10/27/06</u>
----	--	-----------------

4.	RULE 26(a)(2) REPORTS FROM EXPERTS	DATE
----	------------------------------------	------

a.	Party with burden of proof	15 Days after claim construction ruling, but not later than April 27, 2007. Party with the burden of proof shall designate Expert Witnesses (other than damages) and submit opening Expert witness reports.
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- b. Party not having burden of proof

45 Days after claim construction ruling, but not later than May 25, 2007. Party without burden of proof shall designate rebuttal Expert Witnesses (other than damages) and submit rebuttal Expert witness reports.
- c. Plaintiff Damage Expert Reports/Designation

30 Days after claim construction ruling, but not later than May 11, 2007. Plaintiff shall designate Expert Witness for damages and submit Expert witness report regarding damages.
- d. Defendant Damage Expert Reports/Designations

60 Days after claim construction ruling, but not later than June 8, 2007. Defendant shall designate Rebuttal Expert Witness for damages and submit Rebuttal Expert witness report regarding damages.

5. OTHER DEADLINES

DATE

- a. Discovery to be completed by:

Fact discovery

04/30/07

Expert discovery

80 Days after claim construction ruling, but not later than June 28, 2007. All discovery of experts shall be completed.

- | | | | |
|----|--|----------------|--------------------------|
| b. | Deadline for filing dispositive or potentially dispositive motions | | <u>06/01/07</u> |
| 6. | SETTLEMENT/ALTERNATIVE DISPUTE RESOLUTION | | DATE |
| a. | Referral to Court-Annexed Mediation: | <u>No</u> | |
| b. | Referral to Court-Annexed Arbitration | <u>No</u> | |
| c. | Evaluate case for Settlement/ADR on | | <u>06/01/07</u> |
| d. | Settlement probability: | <u>Poor</u> | |
| 7. | TRIAL AND PREPARATION FOR TRIAL | TIME | DATE |
| a. | Rule 26(a)(3) Pretrial Disclosures ² | | |
| | Plaintiff | | <u>8/31/07</u> |
| | Defendant | | <u>9/14/07</u> |
| b. | Objections to Rule 26(a)(3) Disclosures (if different than 14 days provided in Rule) | | |
| c. | Special Attorney Conference ³ on or before | | <u>9/28/07</u> |
| d. | Settlement Conference ⁴ on or before | | <u>10/12/07</u> |
| e. | Final Pretrial Conference | 2:30 p.m. | <u>10/26/07</u> |
| f. | Trial | <u>Length</u> | |
| i. | Jury Trial | <u>10 days</u> | 8:30 a.m. <u>11/5/07</u> |

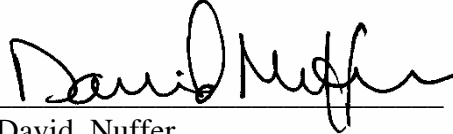
8. OTHER MATTERS

- a. Where practicable, the parties will produce documents electronically or via CD to avoid unnecessary expense and effort. All documents produced electronically shall have each page individually bates numbered. Where possible, originals will be made available for inspection upon request.
- b. All deposition exhibits will be numbered sequentially, regardless of the identity of the deponent or the side introducing the exhibit. The same numbers will be used in pretrial motions and at trial.
- c. August 30, 2006. Deadline for parties to submit an agreed protective order to the Court, or if the scope of the protective order is in dispute, the parties shall submit simultaneous briefs regarding any such dispute.
- d. September 12, 2006. Plaintiff shall serve on Defendant its Asserted Claims and Preliminary Infringement Contentions.
- e. October 27, 2006. Defendant shall serve on Plaintiff its Preliminary Invalidity Contentions.
- f. November 3, 2006. The Parties shall simultaneously exchange a list of claim terms, phrases, and clauses which that party contends should be construed by the Court.
- g. November 17, 2006, the Parties shall simultaneously exchange their proposed construction of each claim term, phrase, or clause identified by either party, along with any intrinsic and/or extrinsic support for such construction.
- h. December 8, 2006, the Parties shall submit to the Court a Joint Claim Construction Statement setting forth the Parties' agreed upon and contested claim terms, phrases, and clauses.

- i. December 20, 2006, the Parties shall simultaneously file briefs in support of their respective claim construction.
- j. January 26, 2006, the Parties shall simultaneously file any responsive brief in opposition to the other party's claim construction.
- k. The parties request a *Markman* hearing on claim construction issues as soon as practicable after the submission of the claim construction responsive briefs.
- l. 15 days after claim construction ruling, but not later than February 16, 2007. Defendant shall elect whether to rely on an opinion of counsel as part of its defense to a claim of willful infringement and shall, if Defendant elects to rely on such opinion:
(1) Produce or make available for inspection and copying the opinion(s) and any other documents relating to the opinion(s) as to which that party agrees the attorney-client or work product protection has been waived, and (2) Serve a privilege log identifying any other documents, except those authored by counsel acting solely as trial counsel, relating to the subject matter of the opinion(s) which the party is withholding on the grounds of attorney-client privilege or work product protection.

Dated this 16th date of August, 2006.

BY THE COURT:

A handwritten signature in black ink, appearing to read "David Nuffer", written over a horizontal line.

David Nuffer
U.S. Magistrate Judge

¹ Counsel must still comply with the requirements of Fed. R. Civ. P. 15(a).

² Any demonstrative exhibits or animations must be disclosed and exchanged with the 26(a)(3) disclosures.

³ The Special Attorneys Conference does not involve the Court. Counsel will agree on voir dire questions, jury instructions, a pre-trial order and discuss the presentation of the case. Witnesses will be scheduled to avoid gaps and disruptions. Exhibits will be marked in a way that does not result in duplication of documents. Any special equipment or courtroom arrangement requirements will be included in the pre-trial order.

⁴ The Settlement Conference does not involve the Court unless a separate order is entered. Counsel must ensure that a person or representative with full settlement authority or otherwise authorized to make decisions regarding settlement is available in person or by telephone during the Settlement Conference.

Jay Barnes (9874)
Bradford D. Myler (7089)
Attorney for Plaintiff
1278 South 800 East
Orem, UT 84097
Telephone: (801) 225-6925
Facsimile: (801) 225-8417

UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

KIMBERLY STUBBS,)	
)	
Plaintiff,)	CIVIL ACTION NO.
)	2:06-CV-416
v.)	
)	
JO ANNE BARNHART)	
CURRENT COMMISSIONER)	SCHEDULING ORDER
OF THE SOCIAL SECURITY)	
ADMINISTRATION,)	
)	
Defendant,)	

The Court establishes the following scheduling order:

1. The answer of the Defendant is on file.
2. Plaintiff's brief should be filed by September 22, 2006.
3. Defendant's answer brief should be filed by October 23, 2006.
4. Plaintiff may file a reply brief by November 6, 2006.

DATED this 17th day of August, 2006.

BY THE COURT:


United States District Court Judge

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

PHILLIP BACA,	:	
	:	
Plaintiff,	:	
	:	
vs.	:	SCHEDULING ORDER
	:	
JO ANNE BARNHART,	:	
Commissioner of Social Security,	:	Honorable Ted Stewart
	:	
Defendant.	:	Case No. 2:06-cv-449

This matter is before the Court for scheduling of briefing and argument of this Social Security appeal. In order to facilitate the prompt disposition of this case by the Court,

IT IS HEREBY ORDERED that, on or before the following dates, the parties shall file and serve a memorandum setting forth concisely the basis for the affirmance or reversal of the final decision of the Commissioner, or request for remand under sentence six of 42 U.S.C. § 405(g), and a detailed analysis of the administrative record with *pinpoint* citations of authorities in support of the party's position, and to the administrative record:

PLAINTIFF: October 25, 2006.

COMMISSIONER: November 27, 2006.

PLAINTIFF: December 18, 2006.

It is further

ORDERED that a one-hour hearing be held in this matter on January 4, 2006, at 3:00 p.m. The Court will have already reviewed the file, pleadings, and administrative record prior to the hearing. The Court will hear argument of counsel and intends to rule at the close of the hearing.

DATED August 17, 2006.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Ted Stewart", is written over a horizontal line.

TED STEWART
United States District Judge

**In the United States District Court
for the District of Utah, Central Division**

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

BY MARKUS B. ZIMMER, CLERK

DEPUTY CLERK

NATURE'S WAY PRODUCTS, INC.

Plaintiff,

vs.

ZILA NUTRACEUTICALS, INC.,

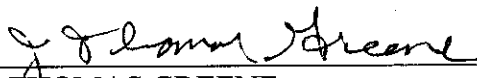
Defendant.

ORDER OF RECUSAL

Case No. 2:06 CV 667

I recuse myself in this case, and ask that the appropriate assignment card
equalization be drawn by the clerk's office.

DATED this 16th day of August, 2006.


J. THOMAS GREENE
UNITED STATES DISTRICT JUDGE

In the United States District Court
for the District of Utah, Central Division

AUG 16 2006

BY KUS B. ZIMMER, CLERK
DEPUTY CLERK

DANIEL L. LAIRD

Plaintiff,

vs.

MICHAEL SIBBETT, et. al.,

Defendants.

ORDER OF RECUSAL

Case No. 2:06 CV 671

I recuse myself in this case, and ask that the appropriate assignment card
equalization be drawn by the clerk's office.

DATED this 16th day of August, 2006.

J. Thomas Greene
J. THOMAS GREENE
UNITED STATES DISTRICT JUDGE

In the United States District Court
for the District of Utah, Central Division

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 16 2006

BY MARKUS B. ZIMMER, CLERK
DEPUTY CLERK

NATURE'S SUNSHINE PRODUCTS,
INC. et al.

Plaintiffs,

vs.

PETER DALE,

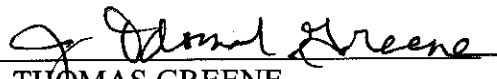
Defendant.

ORDER OF RECUSAL

Case No. 2:06 CV 674

I recuse myself in this case, and ask that the appropriate assignment card
equalization be drawn by the clerk's office.

DATED this 16th day of August, 2006.


J. THOMAS GREENE
UNITED STATES DISTRICT JUDGE

AUG 16 2006

AUG 15 2006

MARKUS B. ZIMMER, CLERK
BY _____
DEPUTY CLERK

U.S. DISTRICT COURT

UNITED STATES DISTRICT COURT
DISTRICT OF UTAH

LES GOODWIN; MARY LOU GOODWIN,

ORDER FOR PRO HAC VICE ADMISSION

Plaintiffs

CASE NO. _____

v.

HOLE NO. 4, LLC; PRUDENTIAL UTAH REAL
ESTATE,

Defendants.

Judge Paul G. Cassell

DECK TYPE: Civil

DATE STAMP: 08/15/2006 @ 16:23:59

CASE NUMBER: 2:06CV00679 PGC

It appearing to the Court that Petitioner meets the pro hac vice admission requirements of DUCiv R 83-1.1(d), the motion for the admission pro hac vice of Samuel E. Goldstein in United States District Court, District of Utah in the subject case is GRANTED.

Dated: August 16th, 2006



U.S. District Judge

FEE PAID

**In the United States District Court
for the District of Utah, Central Division**

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

~~AUG 16 2006~~

BY MARKUS B. ZIMMER, CLERK
DEPUTY CLERK

JAMES THOMPSON, KENNETH MCLANE
and KEVIN CASE.

Plaintiffs,

vs.

WILLIAM LOPATRIELLO,

Defendant.

ORDER OF RECUSAL

Case No. 2:06 CV 680

I recuse myself in this case, and ask that the appropriate assignment card
equalization be drawn by the clerk's office.

DATED this 16th day of August, 2006.

J. Thomas Greene
J. THOMAS GREENE
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT

Central

District of

UNITED STATES OF AMERICA

V.

Nelson Martinez-Sanchez

JUDGMENT IN A CRIMINAL CASE
(For Revocation of Probation or Supervised Release)

FILED IN UNITED STATES DISTRICT
COURT, DISTRICT OF UTAH

AUG 16 2006

MARKUS B. ZIMMER, CLERK
CITY CLERK

Case Number: DUTX 2:97CR000146-001

USM Number: 06288-081

Robert Hunt

Defendant's Attorney

THE DEFENDANT:

☒ admitted guilt to violation of condition(s) 1 of the term of supervision.

☐ was found in violation of condition(s) _____ after denial of guilt.

The defendant is adjudicated guilty of these violations:

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Violation Ended</u>
1	The defendant illegally reentered the United States, and was found in the District of Utah, on or about October 2, 2005	10/2/2005

The defendant is sentenced as provided in pages 2 through 2 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has not violated condition(s) _____ and is discharged as to such violation(s) condition.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Defendant's Soc. Sec. No.: _____

Defendant's Date of Birth: 3/10/1968

Defendant's Residence Address: _____

8/10/2006

Date of Imposition of Judgment

Dee Benson

Signature of Judge

Dee Benson

Name of Judge

U.S. District Judge

Title of Judge

8/10/2006

Date

Defendant's Mailing Address: _____

DEFENDANT: Nelson Martinez-Sanchez
CASE NUMBER: DUTX 2:97CR000146-001

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of :

12 months. 7 months will run concurrent with case 2:06-cr-000102 and 5 months will run consecutive in case 2:06-cr-000102

☐ The court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at _____ ☐ a.m. ☐ p.m. on _____ .

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on _____ .

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____ with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
DEPUTY UNITED STATES MARSHAL